

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6768 of 2016

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Indra Mohan Singh, Son of Sri Uttam Prasad Singh, Resident of Village- Manguar,
P.S.- Basnahi, District- Saharsa.

.... Petitioner

Versus

1. The State of Bihar through the Collector, Saharsa.
2. The Collector, Saharsa.
3. The Additonal District Supply Officer, Saharsa.

.... Respondents

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Appearance :

For the Petitioner : M/s N.K.Agrawal, Sr. Advocate and
Dhananjaya Nath Tiwari, Advocate
For the State : Mr. Mukund Mohan Jha, GP31

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT
Date: 26-04-2016

Heard learned counsel for the petitioner and state.

Petitioner seeks release of the truck bearing registration
no. BR-20G-4261 which was seized for contravention of the
provisions of Essential Commodities Act and a police case bearing
Sadar P.S. case no. 860/2015 has been registered under Section 420
of the IPC, Section 7 of the Essential Commodities Act. A
confiscation proceeding has also been initiated as Confiscation Case
no. 1/2016.

It is contended that the aforesaid vehicle is lying uncared in the premise of the police station in open sky and that would rot, if not handed over to the petitioner.

Learned counsel for the State submits that seizure has been made on serious allegation and confiscation case is going on. Thus, the petitioner should be relegated to the competent authority.

In my view, if the vehicle is released after obtaining necessary surety, it will prejudice none.

Having regard to the aforementioned facts and circumstances, this court deems it fit and proper to direct the confiscating authority to release the aforesaid truck in favour of the petitioner on furnishing sufficient security/ surety to the satisfaction of the Collector, Saharsa after due verification of ownership with further condition that whenever the vehicle in question would be required either in the confiscation proceeding or police case, that would have to be produced by the owner in whose favour that would be released and, further, that the petitioner would not dispose of, alter or modify the vehicle till the aforesaid cases are pending.

The release would be subject to the result of the criminal case and confiscation case concerned.

It is expected that the whole exercise would be completed within a period of eight weeks from the date of receipt/

production of a copy of this order.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J)

Spd/-

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