

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7463 of 2016

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Santosh Kumar, Son of Jata Shankar Mishra, Resident of Mohalla- Ishakchak, P.S-
Ishakchak, Distt.- Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar through the Collector, Bhagalpur.
2. The Collector, Bhagalpur.
3. The Block Supply Officer, Jagdishpur, Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondent/s : Mr. Harish Kumar, GP-32

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 04-05-2016

Heard learned counsel for the petitioner and state.

Petitioner seeks release of the truck bearing registration no.
BR-10G-1884 which was seized for contravention of the provisions of
Essential Commodities Act and a police case bearing Jagdishpur P.S.
Case No.37 of 2016 has been registered under Sections 406, 409, 420,
120B IPC and Section 7 of the Essential Commodities Act. A
confiscation proceeding has also been initiated as Confiscation Case no.
84/2015-16.

It is contended that the truck 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 truck bearing registration no.BR-10G-1884 in favour of the petitioner on furnishing sufficient security/ surety to the satisfaction of the Collector, Bhagalpur 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 confiscation case as well as the criminal 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)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	18.06.2016
Transmission Date	N.A.