

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9328 of 2015

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Shiv Kumar @ Shivjee Prasad Son of Late Badri Prasad Resident of
Village - Telhara, P.S. - Telhara, District - Nalanda at present resident of
Mohalla- Paharpur, Anishabad, P.S.- Gardanibagh, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Collector, Patna.
2. The Collector- Cum - District Magistrate, Patna .
3. The Marketing Officer, Rationing, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. N.K. Agarwal, Sr. Advocate,
Mr. Dhananjaya Nath Tiwari, Advocate
For the State : Mr. Yogendra Kr. Singh, A.C. to S.C. 15

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 06-04-2016

Heard learned counsel for the petitioner and the State.

The petitioner seeks release of Tempo vehicle bearing registration no. BR-1Y-2771 which has been seized on 17.10.2012 giving rise to a case registered under Section 7 of the Essential Commodities Act being Gardanibagh P.S. Case No. 344/2012 as well as Confiscation Case No. 15/2013-14 pending before the Collector, Patna.

It is contended that the seized vehicle is a commercial

one and is lying uncared in the police station premises and, also that no useful purpose will be served by keeping the vehicle under seizure for a long time. It is further contended that the petitioner is the owner of the aforesaid vehicle.

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 facts and circumstances of the case, let the Tempo vehicle bearing registration no. BR-1Y-2771 be released in favour of the petitioner by the District Magistrate, Patna, who happens to be the confiscating authority, within a period of four weeks from the date of receipt/production of a copy of this order on furnishing sufficient guarantee/security to its satisfaction and on proper verification of the ownership with a further condition that whenever the vehicle in question would be required either in the confiscation proceeding or police case, that has to be produced by the owner in whose favour that would be released and, further with another condition that the petitioner would not dispose of, alter or modify the vehicle till the aforesaid cases are pending.

However, the release will be subject to the final result

of the Gardanibagh P.S. Case No. 344/2012 as well as Confiscation
Case No. 15/2013-14.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J)

Sanjay-II/-