

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1003 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- NALANDA (BIHARSHARIFF)

1. Vinod Kumar, Son of Gopal Sao, resident of Village Puraini, P.S. Giriyak, District- Nalanda, at present resident of Postal Park, P.S. Kankarbag, District- Patna.
2. Vikash Kumar, Son of Krishna Singh, resident of Village Gopalpur, P.S. Mufashil Nawada, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar Through D.G.P. Patna Home Police
2. The District Magistrate, Nalanda
3. The Superintendent of Police, Nalanda
4. The Deputy Superintendent of Police, Rajgir, District- Nalanda
5. The S.H.O. Giriyak, Police Station Giriyak, District- Nalanda

.... Respondent/s

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 10-11-2016

The petitioners are the owners of goods vehicle Nos.BR-1AE-5632 and BR-02W-4941. The said vehicles have been seized in connection with Giriyak P.S. Case No.90 of 2016 under Section 7 of the Essential Commodities Act.

The allegations are that on 09.04.2016, when the informant was on patrol duty, he got information that milk is being taken out of such goods vehicles and is being mixed with water. On the basis of the said complaint, an F.I.R. was lodged and the goods vehicles were seized.

Admittedly, confiscation proceedings of such vehicles

have been initiated. Earlier, the petitioners filed an application before the learned S.D.J.M., Nalanda at Bihar Sharif for release of the vehicles, but the request for release of vehicles has been declined.

Without going into the merits of the legality of the seizure of the vehicles, I find that continuous seizure of the Tank Lorries is not serving any purpose. The petitioners are being deprived of the user of the same. Consequently, the goods vehicle Nos.BR-1AE-5632 and BR-02W-4941 are ordered to be released on superdari to the satisfaction of the Sub-Divisional Judicial Magistrate, Nalanda at Bihar Sharif, in connection with Giriyak P.S. Case No.90 of 2016.

The writ petition stands disposed of accordingly.

(Hemant Gupta, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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