

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16412 of 2016

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Rupesh Kumar Verma, son of Late Nand Kishor, resident of Mohalla - Lohara,
Ward No. 2, Samana, P.S. Samana, District - Patiyala (Punjab).

.... Petitioner

Versus

1. The State of Bihar through Secretary Food and Civil Supply Department, Old Secretariat, Patna, Bihar.
2. The In-charge, Addl. District Supply Officer cum Block Supply Officer, Ujiarpur, Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

For the Respondent/s : Mr. Sanjay Kr.Giri, GP-9

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 25-11-2016

Heard learned counsel for the petitioner and state.

The petitioner seeks release of the Truck bearing registration no. PB-11BR-6989 which was seized for contravention of the provisions of Essential Commodities Act and a police case bearing Angarghat P.S. Case No.63 of 2016 under section 7 of the Essential Commodities Act was registered on the allegation that the said Truck was carrying food grains belonging to the Food Corporation of India. A confiscation proceeding has also been initiated as Confiscation Case no. 78/2016.

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

A counter affidavit has also been filed on behalf of the State stating that a police case and confiscation case have also been

initiated against the petitioner.

Having regard to the aforementioned facts and circumstances, this Court deems it fit and proper to direct the confiscating authority to provisionally release the Truck bearing registration no. PB-11BR-6989 in favour of the petitioner on furnishing sufficient security/ surety/ guarantee to the satisfaction of the Collector, Samastipur after due verification of ownership and further with a 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 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 final result of the criminal case concerned.

It is expected that the whole exercise would be completed within a period of 08 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	29.11.2016
Transmission Date	N.A.