

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2197 of 2016

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Rajesh Kumar Choudhary, S/o Late Ram Chandra Choudhary, resident of At +
P.O. - Siwaisinghpur, P.S. - Mohiuddinnagar, District - Samastipur.

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate - cum - Collector, Samastipur.
2. The Superintendent of Police, Samastipur.
3. The Deputy Collector Land Reforms, Patori, Samastipur.
4. The Block Supply Officer, Patori Block, District - Samastipur.
5. The Block Supply Officer, Mohiuddinnagar Block, District - Samastipur.
6. The Officer - in - Charge, Patori Police Station, Samastipur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajiv Ranjan Tiwary, Advocate
For the State : Mr. Dharendra Kumar, A.C. to G.P. 20

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 16-03-2016

Heard parties.

Petitioner seeks release of tank lorry bearing registration
no. BR 31G 9792 withheld by the respondents since 29.10.2015
without institution of any first information report and without any
seizure list regarding tank lorry.

It is contended that though the lorry was withheld from
29.10.2015, the first information report came to be lodged on
04.12.2015. It is further submitted that it would be apparent from the
seizure list which has been appended as Annexure 2 that only the
contents of the lorry i.e., the high speed diesel was seized but there is



no mentioning at all in the seizure list that the lorry of the petitioner was also seized though in the first information report factum of seizure has been stated. It is contended that the petitioner who is running the petrol pump is facing much hardship due to the detention of the lorry in carrying out his business. It is also contended that no confiscation case has been initiated with respect to the lorry as yet.

A counter affidavit has been filed on behalf of the State stating that the lorry was seized but learned counsel has not been able to show from the seizure list that the same is a fact.

Be that as it may, since the sample of high speed diesel has already been collected from the lorry as has been reflected in the seizure list itself, let the concerned truck lorry bearing registration No. BR 31G 9792 be released to the petitioner on proper identification and verification regarding the ownership on production of sufficient sureties/securities to the satisfaction of the C.J..M. Samastipur within eight weeks with a further condition that the same would not be sold or disposed of in any manner by the petitioner till the finalization of the criminal case or confiscation case, if any, initiated even later on and such release would be subject to the final result of the criminal case Patori P.S. Case No.496 of 2015 and any confiscation case if initiated. That apart, the petitioner would be obliged to produce the tank lorry as and when would be required by the court or the

competent authority. Before doing that, arrangement should be made for getting the contents of the lorry i.e., high speed diesel which have been seized under safe custody as the order of release is only for truck and not of the goods which were being carried out by it.

This application stands disposed of.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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