

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8551 of 2016

- =====
1. Krishna Kumar, S/o Late Saryug Sah, Resident of Mohalla Bibiganj, P.S. Danapur, District Patna
 2. Chandeshwar Saw, S/o Late Bihari Saw, Resident of Mohall Lalkothi Bibiganj, P.S. Danapur, District Patna
 3. Dilip Kumar, S/o Sri Ram Babu Rai, Resident of village Upharpura, P.S. Phulwarisharif, District Patna
 4. Rajkishore Ravi, S/o Late Mohit Ravi, Resident of village Upharpura, P.S. Phulwarisharif, District Patna

.... Petitioners

Versus

1. The State of Bihar through the Collector, Patna
2. The Collector, Patna
3. The Marketing Officer, Danapur Town, Patna

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari

For the State : Mr. Mritunjay Kumar, AC to SC 23

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 18-05-2016

Heard learned counsel for the petitioners and state.

Petitioners seek release of the commercial trucks bearing registration nos. NL02K-9489, BR01GA-5879, UTF-3925, BR1B – 8551, BR01H – 5475, BHA – 6795 and BRB – 3751, which were seized for contravention of the provisions of Essential Commodities Act and a police case bearing Danapur P.S. Case No.

730/2015 has been registered under Section 7 of the Essential Commodities Act.

It is contended that the trucks are lying uncared in the premise of the police station in open sky and that would rot if not handed over to the petitioners. It is further contended that the trucks were seized along with rice and a confiscation proceeding bearing Confiscation Case No.46/2015-16 has been initiated with respect to seized rice and trucks.

Having regard to the facts and circumstances of the case, let the aforesaid Trucks be released in favour of the petitioners by the District Magistrate, Patna, who happens to be the confiscating authority, within a period of eight weeks from the date of receipt/production of a copy of this order on furnishing sufficient security to the satisfaction of the confiscation authority and on proper verification of the ownership and further with a condition that whenever the vehicles in question would be required either in the confiscation proceeding or police case, those have to be produced by the owners in whose favour that would be released and further that such persons/owners would not dispose of, alter or modify the vehicles till the aforesaid cases are pending.

However, the release will be subject to the final result of the Danapur P.S. Case No. 730/2015 as well as Confiscation Case

No. 46/2015-16.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.6.2016
Transmission Date	NA