

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10997 of 2016

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Akhilesh Singh @ Akal Singh @ Aklu Singh S/o Ram Sunder Singh Resident of
Mokama, P.S. Mokama, District Patna

.... Petitioner

Versus

1. The State of Bihar through the Colector, Patna,
2. The Collector, Patna,
3. The Block Supply Officer, Mokama, District Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate
Mr. Vijay Anand, Advocate
For the State : Mr. Shiv Kumar, AC to GA 3

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 27-07-2016

Heard learned counsel for the petitioner and state.

Petitioner seeks release of the seized Bolero Pick-up
Van bearing registration no. BR-03K-7504 which was seized by the
Block Supply Officer, Mokama for contravention of the provisions
of the Essaential Commodities Act and a police case bearing
Mokama P.S. Case No. 36 of 2016 has been registered under
Sections 420, 483 and 120B of the Indian Penal Code and section 7
of the Act. A confiscation proceeding has also been initiated as
Confiscation Case No. 01/2016-2017.

It is contended that the aforesaid vehicle is lying
uncared in the premises of the police station in open sky and that
would rot, if not handed over to the petitioner.

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 aforementioned facts and circumstances, this Court deems it fit and proper to direct the confiscating authority to release Bolero Pick-up Van bearing registration no. BR-03K-7504 in favour of the petitioner on furnishing sufficient security/ surety to the satisfaction of the Collector, Patna after due verification of ownership with further condition that whenever the vehicle in question would be required either in the confiscation proceeding or police case, that would have 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 criminal case concerned.

It is expected that the whole exercise would be completed within a period of eight weeks from the date of receipt/ production of a copy of this order.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J)

SC/-

AFR/NAFR	NAFR
CAV DATE	NA
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