

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 16646 of 2016

=====

Baliram Bedua, S/o- Dev Narayan Bedua, Resident of Mohalla-Shivpuri, P.O.- Anisabad, P.S.- Gardanibagh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Transport Department, Bihar, Patna.
 2. The District Magistrate, Gaya.
 3. The Incharge Officer, District Legal Cell, Collectariat, Gaya.
 4. The District Transport Officer, Gaya.
 5. The District Transport Officer, Patna.
 6. The Block Development Officer, Gurua, District-Gaya.
 7. The Block Supply Officer, Gurua, District-Gaya. Respondents.
- =====

Appearance :

For the Petitioner : Mr. Arvind Kumar Singh, Adv.

For the Respondents: Mr. Anuj Kumar, AC to GP-24

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 01-12-2016

Heard learned counsel for the petitioner and state.

The petitioner seeks release of the Bolero Pick-up van bearing registration no. BR01GC8096 which was seized for contravention of the provisions of Essential Commodities Act and a police case bearing Gurua P.S. Case No.52 of 2016 under section 7 of the Essential Commodities Act was registered on the allegation that the said Bolero Pick-up van was carrying food grains belonging to the Food Corporation of India. A confiscation proceeding has also been initiated as Confiscation Case no. 13/2016.



It is contended on behalf of the petitioner that the aforesaid Bolero Pick-up van 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.

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. BR01GC8096 in favour of the petitioner on furnishing sufficient security/ surety/ guarantee to the satisfaction of the Collector, Gaya 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 eight weeks from the date of receipt/ production of a copy of this order.



This disposes of the writ petition.

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.02.2017
Transmission Date	NA

