

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.6413 of 2016**

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Mahendra Prasad Jaiswal S/o Baleshwar Pd. Jaiswal, Resident of Chandannagar  
Gulabbagh, P.S. - Sadar, District - Purnea Proprietor of M/s Mahendra Mini Rice  
Mill, Chandannagar Gulabbagh, Purnea.

.... .... Petitioner

Versus

1. The State of Bihar through the Collector, Purnea.
2. The Collector, Purnea.
3. The Block Supply Officer Purnea (East), District - Purnea.

.... .... Respondents

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**Appearance :**

For the Petitioner : M/s N.K.Agrawal, Sr. Advocate and  
Dhananjaya Nath Tiwari, Advocate  
For the State : Mr. Nasim Yahya, GP13

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**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**

**ORAL JUDGMENT**

**Date: 26-04-2016**

Heard learned counsel for the petitioner and state.

Petitioner seeks release of the Honda Motorcycle bearing  
registration no. BR-38E-8498 which was seized for contravention of  
the provisions of Essential Commodities Act and a police case bearing  
Sadar P.S. case no. 633/2014 has been registered under Section 420  
of the IPC and Section 7 of the Essential Commodities Act. A  
confiscation proceeding has also been initiated as Confiscation Case  
no. 67/2015.

It is contended that the aforesaid vehicle is lying uncared in the premise 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 the aforesaid vehicle in favour of the petitioner on furnishing sufficient security/ surety/ guarantee to the satisfaction of the Collector, Purnea, 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 such person 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)**

Spd/-

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