

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20123 of 2016

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Sajada Khatun, W/o Md. Salim Khan, Resident of Deona, P.S. Barauni, District - Begusarai

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna
2. The Collector, Saharsa

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Advocate

For the Respondent/s : Mr. S.S.P. Singh, Ac to GA-6

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 21-12-2016

Heard learned counsel for the petitioner and state.

The petitioner seeks release of the Tanker bearing registration no. JH-17E-2126 which was seized and a police case bearing Saharsa P.S. Case No.693 of 2015 under section 7 of the Essential Commodities Act was registered. A confiscation proceeding has also been initiated as Confiscation Case no. 7/2015.

It is contended on behalf of the petitioner that the aforesaid Tanker 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 aforesaid Tanker bearing Registration No. JH-17E-2126 in favour of the petitioner on furnishing sufficient security/ surety/ guarantee to the satisfaction of the Collector, Saharsa and 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 he 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 08 weeks from the date of receipt/ production of a copy of this order.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	30.12.2016
Transmission Date	N.A.

