

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2365 of 2017

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Vishal Seth, S/o Munshi Ram, Resident of Mohalla- Harischandra Nagar,
Bulandsahar, P.S.- Town, District- Bulandsahar (U.P.).

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
2. The Collector, Siwan.
3. The Block Supply Officer, Maharajganj-cum-Darounda, Siwan.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Maruth Nath Roy, AC to SC-4

Mr. Arvind Ujjwal, SC4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-04-2017

Heard learned counsel for the parties.

The present writ application has been filed for release of
Truck bearing No. UP13T/5517 in Confiscation Case No. 55 of 2016-
17 arising out of Darounda P.S. Case No. 98 of 2016 under Section 7
of the E.C. Act.

The Truck, in question, was carrying 123 bags of rice of
F.C.I. for black-marketing. After the seizure of the vehicle, the
confiscation proceeding, Confiscation Case No. 55 of 2016-17 was
instituted and the same is pending.

Learned counsel for the petitioner submits that the Truck,
in question, is lying under the vagaries of the nature and makes a
prayer that it would be released on the personal guarantee and security



furnished by the petitioner.

Learned counsel for the petitioner has further challenged the authority of the Collector to initiate a confiscation proceeding as has been claimed that entire power of confiscation lies with the Court and the proceeding before the Collector is without jurisdiction and an identical matter has been referred before the Division Bench in LPA No. 1647 of 2015.

In that view of the matter, let the Truck, in question, be released on the personal guarantee and proper security furnished by the petitioner to the satisfaction of the Collector, Siwan but, it is made clear that as and when the vehicle will be required, either before the Court or before the Collector, the petitioner will be obliged to bring the same for inspection. It is also made clear that during proceeding, the petitioner will not sale out the Truck or in any manner change the feature of the truck. If the Truck would require any repair, the same will be only done subject to permission of the Collector, Siwan.

With the aforementioned observation, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.04.2017
Transmission Date	NA

