

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1337 of 2017

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1. Sulekha Kumari wife of Ravi Kumar resident of Mohalla Main Road
Warisaliganj, P.S. Warisaliganj, District Nawadah Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil
Supply Department, Govt. of Bihar, Patna
2. The Collector Cum the District Magistrate, Nawadah
3. Sub Divisional Officer, Nawadah
4. Superintendent of Police, Nawadah
5. Deputy Superintendent of Police, Pakribarawan, Nawadah
6. Block Supply Officer, Warisaliganj, Nawadah
7. Officer in Charge, Warisaliganj, Nawadah Respondents

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Appearance :

For the Petitioner : Mr. Ram Prawesh Kumar, Adv.
For the Respondents : Mr. Arvind Ujjwal, SC IV

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 31-08-2017

Heard the parties.

The Tata Magic of the petitioner, bearing registration no. BR-21GA-2429, was seized in connection with Misc. Case No. 156(M) of 2016 for alleged violation of the Essential Commodities Act, by order, dated 02.11.2016, by the Collector, Nawadah.

Learned counsel for the petitioner prays for interim release of the said vehicle on the ground that the power of the Executive Authority to confiscate the seized vehicle which is exercisable by a Judicial Authority is subjudice before a larger Bench of this Court in **L.P.A. No. 1647 of 2015 (Baleshwar Roy Vrs. The State of Bihar & Ors.)**. He, further, submits that no purpose is going to be served by continued detention of the vehicle in custody.

Considering the aforesaid pendency of issue before the larger Bench, let the aforesaid vehicle be released in favour of the petitioner by way of interim custody on execution of surety



bond of Rs. 5,00,000/- (rupees five lakh) (not in the form of bank guarantee or cash) along with two sureties of the like amount.

The petitioner shall file undertaking that he will not use the vehicle for any illegal purpose at the time of furnishing of the bond and will not dispose of the aforesaid vehicle without the permission of the Court.

The interim release shall be subject to the result of pending Letters Patent Appeal.

With the aforesaid observations, this application stands **disposed off**.

(Birendra Kumar, J)

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