

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9713 of 2017

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Lallan Sah, S/o Late Kashi Sah, resident of Village-Raghunathpur, P.O. -
Raghunathpur, P.S. - Raghunathpur, District - Siwan.

.... Petitioner

Versus

1. The State of Bihar through the Collector, Siwan.
2. The District Magistrate-cum-Collector, Siwan.
3. The Block Supply Officer, Raghunathpur, Siwan.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Shahi, Adv.
Mr. Arun Kumar Tiwari, Adv.
For the Respondent/s : Mr. S.Raza Ahmad-A.A.G.-5
Mr. Alok Ranjan, A.C. to A.A.G.-5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 25-08-2017

The State is directed to supply the deficit Court Fee
within one week from today.

2. Heard learned counsel for the petitioner and learned
counsel for the State.

3. In this case, the petitioner is seeking release of the
vehicle bearing registration No.BR-29K-5253, which has been
seized with loaded food-grains, as has been claimed that the seized
food-grains were for the purposes of distribution under the P.D.R.
scheme.



4. Learned counsel for the petitioner submits that there is a report of the Supply Officer that under the wrong impression he has seized the vehicle. The matter is pending before the Collector, which has not been concluded till date.

5. Learned counsel for the petitioner further submits that if the vehicle will remain standing under the vagaries of the nature, after some duration it will be turned to be a junk and will be of no use as well as he has placed reliance on the order of the Division Bench of this Court passed in L.P.A. No.2248 of 2016, whereby reference has been made in the following terms:-

“(i) The appellants shall furnish all the necessary papers/documents of ownership and security bonds (which will not include Bank Guarantee) as may be deemed fit and proper by the Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Sasaram, District-Rohtas.

(ii) The appellants shall undertake, in writing, that the vehicle, in question, shall neither be alienated nor be transferred in favour of any third party during the pendency of the confiscation proceeding and that the vehicle, in question, shall be produced as and when called upon or required in the confiscation proceeding or otherwise.”

6. In the reference only the issue with respect to power of confiscation of the goods and the vehicle vesting with the Collector



is involved. If the vehicle is remained standing, after some time it will loss its value and will be of no use.

7. In such view of the matter, let the vehicle, in question, bearing registration no.BR-29K-5253 be released by the Collector subject to furnishing the security bonds to the satisfaction of the Collector. However, while releasing the vehicle, the petitioner will file an affidavit before the Collector, stating therein that whenever the police or the Collector will pass the order of production of the vehicle, in question, he will produce the same and during that period he will not change the feature of the vehicle nor would create any third party right and if repair would be required he will take permission from the Collector only then he will repair the same. At the same time, before release of the vehicle the photographs of the vehicle, in question, including its chassis and engine number will be recorded and an affidavit will be filed the petitioner will not dispute that the vehicle, in question, was involved in carrying the food-grains and it can be used as evidence during the proceeding. If the petitioner furnishes the details of the vehicle along with the order of this Court, the same will be examined by the Collector and will release after due compliance within a period of three weeks from the date of receipt/production of a copy of this order.



8. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	30.08.2017
Transmission Date	N/A.

