

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1882 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- JEHANABAD

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Pradeep Kumar Gupta @ Pradeep Kumar, Son of Ram Prasad Gupta, Resident of
Village/Mohalla- Rewa, P.S.- Chorhatta, District- Rewa, M.P.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Food and Civil Supply, Bihar, Patna.
2. The District Magistrate, Arwal.
3. The Superintendent of Police, Arwal.
4. The Deputy Superintendent of Police, Gopalganj.
5. The Station House Officer, Karpi (Sehari Telpa O.P.), P.S.- Arwal.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No.II, Advocate

For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 16-10-2017

Heard learned counsels for the parties.

2. The vehicle of this petitioner bearing registration No.
MP 17HH 4139 was seized in connection with Karpi (Sehar Telia OP)
P.S. Case No.146 of 2017, a case registered under Section 7 of the
Essential Commodities Act.

3. Submission of the learned counsel for the petitioner
is that the jurisdiction of the Executive Officer to confiscate the
vehicle is subjudice before a larger Bench of this Court in **LPA
No.1647 of 2015 Baleshwar Roy V. The State of Bihar & Ors.** In
the circumstances, till pendency of the L.P.A. aforesaid the vehicle,



in question, be released in favour of the petitioner as no purpose is going to be served by its continued detention in police lockup.

4. Learned counsel for the State-respondent opposed the prayer.

5. Finding substance in the submission of the learned counsel for the petitioners, since no purpose is going to be served by continued detention of the vehicle, let the same be released in favour of the petitioner by way of ad interim custody on execution of surety bond of Rs.20,00,000/- (Twenty Lacs), not in the form of cash/Bank Guarantee, along with two sureties of the like amount with condition that the petitioner would not dispose of the said vehicle without permission of the authority concerned and shall produce as and when required by the Court.

6. With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.10.2017
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