

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2211 of 2017

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

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Abinash Kumar, S/o Ram Babu, resident of Kannu Lal Marg, Mahavir Lane
Mithapur, P.S. - Jakkanpur, District - Patna.

.... Petitioner

Versus

1. The State of Bihar through the Collector, Patna
2. The Collector, Patna
3. The Supply Inspector Rationing, Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate

For the Respondents : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the parties.

2. The petitioner claims to be owner of the Pick-up bearing registration no. BR01AD-8695 which was seized in connection with Beur P.S. Case No. 163 of 2017 registered under Section 7 of the Essential Commodities Act as the same was carrying wheat.

3. The record reveals that Confiscation Case No. 389 of 2017 has already been initiated for confiscation of the said vehicle.

4. Submission of the learned counsel for the petitioner is that the offence alleged is not applicable against the petitioner as wheat is not controlled item nor the petitioner is the owner of the said wheat.

5. Considering the entire facts and circumstances as



well as past judicial precedent, let the aforesaid vehicle be released in favour of the petitioner, by way of ad interim release, on execution of surety bond of Rs.4,00,000/- (rupees four lakhs) along with two sureties of the like amount to the satisfaction of the learned court below/authority concerned where the case is pending, with condition that the petitioner would not dispose of the said vehicle or put the same under encumbrance without permission of the authority concerned and shall produce as and when required by the Court.

6. The proceeding of the pending confiscation case shall remain in abeyance till disposal of the L.P.A. No. 1647 of 2015 **(Baleshwar Roy vs. The State of Bihar & Ors.)** and the same shall be subject to the final result of the L.P.A. aforesaid.

7. With the aforesaid observation, this application stands disposed of.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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