

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2200 of 2017

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

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Ravi Shankar @ Ravi Shankar Prasad @ Ravi Shankar Kumar @ Sudhani, S/o Sri Ravindra Prasad, R/o Sarifaganj, P.S. - Malsalami , District- Patna, Proprietor of M/s Subh Ashirbad Food, 72 Rikabganj, Katra Bazar, P.S. - Malsalami, District - Patna and also proprietor of M/s Satya Flour Mill, Sarifganj, P.S. - Malsalami, 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 referred vehicles of the petitioner bearing registration no. BR01GF-2322 and BR01GD-1060 were lying empty in the premises of the flour mill and were seized in connection with Malsalami P.S. Case No. 257 of 2016 registered under Section 7 of the Essential Commodities Act and other Sections of the Indian Penal Code. Confiscation Case No. 31 of 2016-17 has already been initiated by the Collector, Patna.

3. The present writ application has been preferred for release of the aforesaid vehicles on the ground that confiscation would amount to pre-trial punishment which is bad in law and the aforesaid



issue is pending before a Division Bench of this Court in L.P.A. No. 1647 of 2015 (**Baleshwar Roy vs. The State of Bihar & Ors.**).

4. Hence, till disposal of the aforesaid issue, both the vehicles be released in favour of the petitioner, on verification of the ownership of the vehicles, on execution of surety bond of Rs.4,00,000/- (rupees four lakhs) (not in the form of bank guarantee or cash) for each vehicle 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 vehicles without permission of the authority concerned and shall produce as and when required by the Court.

5. The release shall be subject to the final result of the pending L.P.A. aforesaid.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	25.11.2017
Transmission Date	25.11.2017

