

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2021 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- VAISHALI(HAJIPUR)

- =====
1. Shyam Babu Choudhary, S/o Late Shivji Choudhary, resident of Village - Dabhaich, P.S. - Ticiauta, District - Vaishali.
 2. Kundan Kumar, S/o Late Virendra Kumar, resident of Village - Rajapakar, P.S. - Rajapakar, District - Vaishali

.... Petitioners

Versus

1. The State of Bihar, through the Collector, Vaishali
2. The Collector, Vaishali
3. The Block Supply Officer, Mahua, Vaishali

.... Respondents

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Appearance :

For the Petitioners : Mr. Dhananjaya Nath Tiwary, Advocate

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

Mr. Alok Ranjan, A.C. to A.A.G.-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-12-2017

Heard learned counsel for the parties.

2. The petitioners claim to be owner of the truck bearing registration no. BR01GB-2477 which was seized in connection with Mahua P.S. Case No. 203 of 2017 registered under Section 7 of the Essential Commodities Act as the same was carrying wheat.

3. Prayer is that the vehicle be released in the name of one of the petitioners in whose name the owner book stands on date.

4. Submission of the learned counsel for the petitioners is that no purpose would be served by continued detention of the vehicle till completion of the criminal trial because pre-trial confiscation of the seized article is challenged in L.P.A. No. 1647 of



2015 (**Baleshwar Roy vs. The State of Bihar & Ors.**) before a Larger Bench of this Court.

5. After hearing the parties, finding substance in the submission aforesaid, let the aforesaid vehicle be released in favour of the petitioners on execution of surety bond of Rs.20,00,000/- (rupees twenty lakhs) (not in the form of bank guarantee or cash) 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 petitioners 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 release shall be subject to the final result of the pending 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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