

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2288 of 2017

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

- =====
1. Kaushal Kishor Singh S/o Late Nandkishor Singh, R/o Village- Shahar Telpa, P.S.- Karpi, District- Arwal.

.... Petitioner/s

Versus

1. The State of Bihar Through The Superintendent of Police, Arwal.
2. Superintendent of Police, Arwal.
3. Station Head Officer of Karpi (Shahar Telpa O.P.) P.S., Arwal.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur, Advocate
For the Respondent/s : Mr. Manish Kumar, GP 4

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-12-2017

Heard learned counsel for the parties.

2. This application has been preferred for release of Pickup Van of this petitioner bearing registration No. BR-02Q-3684 seized in connection with Karpi (Shahar Telpa OP) P.S. Case No.146 of 2017 registered under Section 7 of the Essential Commodities Act.

3. Submission of the learned counsel for the petitioner is that the rice is not a controlled item, hence, offence under Section 7 of the Essential Commodities Act is not applicable. Moreover, it is yet to be adjudicated whether the rice was of government subsidized distribution scheme or not and till such adjudication of the issue no purpose would be served by continued detention of the vehicle in



police lockup.

4. After hearing the parties and considering the facts and circumstances, let the vehicle, in question, be released in favour of the petitioner by way of ad interim custody on execution of surety bond of Rs.3,00,000/- (Three Lacs), not in the form of cash/Bank Guarantee, along with two sureties of the like amount each 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.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.12.2017
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