

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 19518 of 2016

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Jata Shankar Mishra, Son of Late Kailash Mishra, Resident of Mohalla
- Ishakchak, Police Station Ishakchak, District – Bhagalpur.

.... Petitioner.

Versus

1. The State of Bihar through the Collector, Bhagalpur.
2. The Collector, Bhagalpur.
3. The Supply Inspector, Sabour, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner : Md. Najmul Hodda, Adv.

For the Respondents: Mr. Shashi Shekhar Pd. Sinha, AC to GA6

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 17-01-2017

Heard learned counsel for the petitioner and state.

Petitioner seeks release of both the trucks bearing registration nos. BR-10G-9090 and W.B. 03A-3981 which was seized for contravention of the provisions of Essential Commodities Act and a police case bearing Bhagalpur Industrial Area P.S. Case no. 11/2016 has been registered under Section 406, 409, 467, 468, 471, 419, 420, 308 and 120B IPC and Section 7 of the Essential Commodities Act on the allegation that the truck was carrying wheat belonging to the Food Corporation of India. A confiscation proceeding has also been initiated as Confiscation Case no. 86/2015-16.

It is contended that the truck is lying uncared in the



premise of the police station in open sky and that would rot, if not handed over to the petitioner.

Learned counsel for the State submits that seizure has been made on serious allegation and confiscation case is going on. Thus, the petitioner should be relegated to the competent authority.

In my view, if the vehicle is released after obtaining necessary surety, it will prejudice none.

Having regard to the aforementioned facts and circumstances, this court deems it fit and proper to direct the confiscating authority to provisionally release both the trucks bearing registration nos. BR-10G-9090 and W.B. 03A-3981 in favour of the petitioner on furnishing sufficient security/ surety to the satisfaction of the Collector, Bhagalpur after due verification of ownership with further condition that whenever the vehicle in question would be required either in the confiscation proceeding or police case, that would have to be produced by the owner in whose favour that would be released and, further, that the petitioner would not dispose of, alter or modify the vehicle till the aforesaid cases are pending.

The release would be subject to the result of the confiscation case as well as the criminal case concerned.

It is expected that the whole exercise would be completed



within a period of eight weeks from the date of receipt/ production
of a copy of this order.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
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