

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1046 of 2016

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1. Pramod Kumar @ Pramod Kumar Rai Son of Sri Shyam Narayan Rai
resident of Village- Sarai, P.S.- Sarai, District- Hajipur, Vaishali
..... Petitioner

Versus

1. The State of Bihar
2. The Collector/Director Magistrate, Purnea
3. The Superintendent of Police, Purnea
4. The Deputy Collector, I/C, Purnea
5. The Sub-Divisional Officer, Purnea.
6. The Sub-Divisional Agricultural Officer, Purnea
7. The S.H.O. Maranga Police Station, Purnea Respondents

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Appearance :

For the Petitioner : Mr. Shahabuddin Azeem @ S. Azeem, Adv.
For the Respondents : Mr. Md. Irshad, AC to SC I

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 08-03-2017 Heard the learned counsel for the petitioner
and the State.

The petitioner has invoked the writ jurisdiction of this Court for release of the truck bearing registration no. BR 01GB 0883, which was seized in connection with K.Hat (Maranga) P.S. Case No. 111 of 2015.

It appears that by Annexure 2, the order, dated 12.04.2016, the Collector, Purnia, has confiscated the said truck in exercise of power under Section 6A of the Essential Commodities Act passed in Essential Commodities Act Case No. 78 of 2015.

Since, an appeal is maintainable before the judicial authority in view of the provision of Section 6C of the Essential Commodities Act where appraisal and re-appraisal of material is permissible, this Court is not



inclined to entertain the prayer in exercise of powers of judicial review.

Hence, it stands **dismissed** with liberty to the petitioner to file appeal and the appellate Court shall consider condonation of delay favourably in view of the fact that the petitioner was prosecuting the matter bonafidely in this writ application.

(Birendra Kumar, J)

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