

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19250 of 2016

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Lalan Sah, S/o Sukhdeo Sah, at present Resident of Station Road, Ward No.11, Baripada, Mayaubhanj, (Orissa) and permanent resident of Gogari, P.S.- Gogari, District- Khagaria.

.... Petitioner

Versus

1. The State of Bihar through Secretary, Food and Civil Supply Department, Old Secretariat, Patna, Bihar.
2. The Collector, Bhagalpur.
3. The Block Supply Officer, Sabour, Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate
Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondent/s : Mr. S.RAZA AHMAD-AAG5
Md. Anisul Haque, AC to AAG-5

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 10-01-2017

Heard learned counsel for the petitioner and the State.

Vide order dated 16.03.2016 passed in CWJC No.4664 of 2016, a direction was given to the confiscating authority to release the truck bearing Registration No.OR-11F-7925 in favour of the petitioner on furnishing sufficient security/surety/guarantee to the satisfaction of the Collector, Bhagalpur and after due verification of ownership.

However, it appears that vide order dated 15.07.2016 (Annexure-2), the Collector, Bhagalpur has directed the petitioner to produce two sureties of the amounts disclosed in the order by a person who is an employee of Class I/Group-A Officer of either Central Government or State of Bihar.



It is contended that such type of condition is impractical and it would be impossible for the petitioner to get the truck release.

In above view of the matter and in the facts and circumstances of the case, this Court would direct that the said surety should be by a close relative or family member of the petitioner who shall file affidavit before the confiscating authority giving complete genealogy to show his/her relationship with him in place of Class I/Group I Officer of the Central Government or the State Government.

It is made clear that whenever the vehicle in question would be required either in the confiscation proceeding or police case, that has to be produced by the owner in whose favour that would be released and further that the owner would not dispose of, alter or modify the vehicle till the finalization of Confiscation Case No.85 of 2015-16 and Bhagalpur Industrial Area P.S. Case No.12/2016.

The entire exercise would be completed within a period of two weeks from the date of receipt/production of a copy of this order.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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