

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19340 of 2016

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1. Nagendra Prasad Singh, son of Shiv Shankar Sharma, R/o Village- Maranchi,
Police Station- Maranchi, Distt- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Food and Civil Supplies,
Government of Bihar, Patna.
2. Collector, cum-District Magistrate, Bhagalpur.
3. Block Supply Officer, Block Sultanganj, Police Station-Sultanganj, Distt-
Bhagalpur.
4. Officer Incharge, P.S.- Sultanganj, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vikram Singh

For the Respondent/s : Mr. SANJAY KR. GIRI- GP9

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 22-03-2017

Heard learned counsel for the petitioner and learned
counsel for the State.

In the present writ petition, petitioner is challenging the
order dated 18.10.2016 passed in E.C.6(A) Case No.83 of
2015-16 by the Collector, Bhagalpur by which the vehicle in
question was valued at Rs. 15,79,500/- has been directed to be
released on furnishing personal security of 10% i.e.
Rs.1,75,500/- and for the rest money two officers of the
Central or State Government of Class I/Group would furnish
two separate surety of half amount each.

The petitioner is a truck owner, was awarded work order



for handling and transportation of food grains. As per agreement, the petitioner was to load the grain from the Naugachiya Rail Head and to unload the same at Sultanganj. The grain was lifted on 1.2.2016 but it reached to its destination on 4.2.2016 which led to lodging of the First Information Report making an allegation that the grain has not reached in scheduled time as he was trying to divert but on the pressure of the District Magistrate he dropped the idea and delivered the same at Block Office Sultanganj. A criminal case has been instituted led to initiation of confiscation proceeding vide E.C. 6(A) Case No.83 of 2015-16 with respect to the vehicle.

The Collector vide order dated 18.10.2016 has directed for release of the truck subject to satisfaction of the condition as mentioned hereinabove.

Learned counsel for the petitioner submits that these are onerous conditions and continuation of same, amounts to negation of release of vehicle.

Learned counsel for the State tried to justify the order of the Collector but looking to the condition attached to the order is onerous to amounts to refusing release the truck.

Accordingly the order of the Collector, Bhagalpur dated 18.10.2016 is modified that the petitioner would furnish



personal security of Rs. 2 lacs and also two of his close relatives will furnish their personal security, further condition that whenever the truck would require to be produced either before the Collector or criminal court the petitioner will be obliged to produce the same and during possession of truck he will not change the feature of the truck in any manner but only after taking specific permission from the Collector.

In such view of the matter, the order dated 18.10.2016 is modified to the aforesaid extent.

Accordingly with the aforesaid observation this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.3.2017
Transmission Date	NA

