

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 1600 of 2017

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Rajesh Yadav S/o late Baccha Yadav Resident of Village- Bahiyari
Baghel, P.S.- Bhatpar Rani, District- Deoria (U.P.).

.... Petitioner/s

Versus

1. The State of Bihar through Collector, Siwan.
2. The District Magistrate -cum-Collector, Siwan.
3. The Supply Inspector Cum-Block Supply Officer, Guthani, Siwan.
4. The S.H.O. P.S. Guthani, Siwan.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Arun Kumar Tiwari, Adv.

: Mr. Dhananjay Kumar Shahi, Adv.

For the Respondents: Mr. Shashi Sekhar Pd. Sinha, AC to GA-6

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 14-02-2017

Heard learned counsel for the petitioner and state.

The petitioner seeks release of the Truck bearing
registration no. UP-52-T-3312 which was seized for
contravention of the provisions of Essential Commodities Act
and a police case bearing Guthani P.S. Case No. 127 of 2016
under section 7 of the Essential Commodities Act was registered
on the allegation that the said Truck was carrying food grains
belonging to the Food Corporation of India. A confiscation
proceeding has also been initiated as Confiscation Case No.
119/16-17.



It is contended on behalf of the petitioner that the aforesaid Truck is lying uncared in the premise of the police station in open sky and that would rot, if it is not handed over to the petitioner.

Having regard to the aforementioned facts and circumstances, this Court deems it fit and proper to direct the confiscating authority to provisionally release the Truck bearing registration no. UP-52-T-3312 in favour of the petitioner on furnishing sufficient security/ surety/ guarantee to the satisfaction of the Collector, Siwan after due verification of ownership and further with a condition 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 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 final result of the criminal case concerned.

It is expected that the whole exercise would be completed within a period of 08 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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Transmission Date	NA

