

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.951 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- JAMUI

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1. Upendra Roy Son of late Kameshwar Roy @ Bhola Roy, Resident of Village-Garhi Simariya, Police Station- Chakai in the District of Jamui.

.... Petitioner/s

Versus

1. The State of Bihar Through The Chief Secretary, Bihar, Patna.
2. The Principal Secretary , Food Supply, Govt. of Bihar, Patna.
3. The Collector-Cum-District Magistrate, Jamui.
4. Superintendent of Police, Jamui.
5. S.H.O., Chandramandih, P.S., Under the District of Jamui.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Respondent/s : Mr. Sanjay Kumar Giri, GP-9

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 23-08-2017

Heard learned counsel for the petitioner and the State.

Pickup Van of the petitioner bearing registration No.JH-15K/2333 was seized by the police for alleged violation of Section 7 of the Essential Commodities Act. For the occurrence aforesaid Chandramandih P.S. Case No.114 of 2016 was registered.

By filing the present writ application the petitioner prayed for release of the aforesaid vehicle by way of ad interim custody till decision of the larger Bench of this Court in **L.P.A. No.1647 of 2015 (Baleshwar Roy V. The State of Bihar & Ors.)**, wherein the issue involved is whether the Executive Authority can



seize and auction the vehicles, such power is exercisable only by a judicial authority.

The learned counsel for the State-respondent submits that interim custody of the vehicle may be handed over to the petitioner on appropriate security bond and the interim custody should be subject to the result of the L.P.A. aforesaid.

Considering the facts and circumstances, let the referred vehicle be released in favour of the petitioner by way of ad interim custody on execution of surety bond of Rs.6,00,000/- (Six Lacs), not in the form of cash/Bank Guarantee, along with two sureties of the like amount with condition that the petitioner would not dispose of the said vehicle without permission of the authority concerned and shall produce as and when required by the Court. The pending confiscation proceeding shall be subject to the result of the L.P.A. aforesaid.

With the aforesaid observation, this writ application stands disposed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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