

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1596 of 2017

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

- =====
1. Vinod Kumar Ram son of Ram Ekbal Ram, Resident of Village- Rajapur, P.O.- Gosipur, Police Station- Rajpur, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate, Buxar.
4. The Superintendent of Police, Buxar.
5. The Sub Divisional Officer, Sadar, Buxar.
6. The Officer-in- Charge of Town Police Station, Buxar, District- Buxar.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. S.K. Sharma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 13-10-2017

Heard learned counsel for the parties.

2. Allegation is that subsidized rice was recovered from the Bolero Pickup bearing registration No. BR-44G-0372 of this petitioner in connection with Buxar Town P.S. Case No.183 of 2017 registered under Section 7 of the Essential Commodities Act.

3. Submission of the learned counsel for the petitioner is that the rice is not a controlled item, hence, offence under Section 7 of the Essential Commodities Act is not applicable. Moreover, it is yet to be adjudicated whether the rice was of government subsidized distribution scheme or not and till such adjudication of the issue no



purpose would be served by continued detention of the vehicle in police lockup. He further submits that on the prayer of the petitioner for release of the vehicle, the authorities are not passing any order on one pretext or other.

4. After hearing the parties and considering the facts and circumstances, let the vehicle, in question, be released in favour of the petitioner by way of ad interim custody on execution of surety bond of Rs.5,00,000/- (Five Lacs), not in the form of cash/Bank Guarantee, along with two sureties of the like amount each to the satisfaction of the learned Court-below/authority concerned, where the case is pending, with condition that the petitioner would not dispose of the said vehicle or put the same under encumbrance without permission of the authority concerned and shall produce as and when required by the Court.

5. With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.10.2017
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