

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5004 of 2017

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Rama Ekbal Singh Son of Ramnath Singh Resident of Village - Pandit Bigha, P.S. - Barun, Distt. - Aurangabad. (Owner of Pick-up Van BR26H/9436).

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, Aurangabad.
3. The Sub-Divisional Officer, Aurangabad.
4. The Block Supply Officer, Block - Barun, District - Aurangabad.
5. The Officer-In-Charge, P.S. Barun, District - Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.

For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 16-05-2017

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

In this case, the petitioner is seeking relief of releasing the vehicle bearing registration no. BR-26H/9436 (Pick Up Van) which has been seized by the Block Supply Officer, Barun and Officer In-charge, Barun P.S. in connection with Barun P.S. Case No. 79 of 2016 for carrying illegal PDS goods for the purpose of black-marketing.

The goods and vehicle have been seized and the present case is related to the release of truck. Learned counsel for the petitioner submits that if the truck will remain seized and is kept under the vagaries of nature, after sometime, it would be total loss its value and turned to junk. As of now the confiscation proceeding has been initiated under the provision of E.C. Act being Confiscation Case No. 107 of 2016, the matter has been



referred to the Larger Bench, is pending adjudication, the question is involved with regard to authority of the Collector to proceed with the confiscation proceeding, as a plea has been taken, the power of confiscation lies with the Court.

Let the Collector, Aurangabad, should release the vehicle subject on furnishing the security to the satisfaction of the Collector and also would give personal undertaking, whenever the vehicle will be required, either by the criminal court or by the confiscating authority, the petitioner will produce the same for its verification. During subsistence of both the criminal and confiscation case, this Court prevents the petitioner to either lease out or sell out the vehicle or any manner creates third party right as well as the petitioner will not change the feature of the vehicle and if it requires certain repair, it would be done after due permission of Collector. If the petitioner would fail to produce the vehicle when required, the Collector will be at liberty to seize the vehicle and act in accordance with law.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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