

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.676 of 2017

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

- =====
1. Vijay Kumar, S/o Late Gurucharan Sah, resident of Village- Sangrampur, P.S.- Satwa, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar Through The Collector, Gopalganj.
2. The Collector, Gopalganj.
3. The Officer-in-charge of Mohammadpur Police Station, Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Nath Tiwari, Advocate

For the Respondent/s : Mr. Sheo Shankar Prasad (SC-8)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 26-07-2017

Heard learned counsel for the petitioner and the State.

The petitioner claims to be the owner of the truck bearing registration No.BR-29F-2385, which was seized in connection with Mohammadpur P.S. Case No.93 of 2016, a case registered under Section 7 of the Essential Commodities Act and Section 414 of the Indian Penal Code as the truck was carrying 17 bags of rice.

By order dated 17.05.2017 the State-respondents were allowed time to file counter affidavit within two weeks. However, no counter affidavit has been filed as yet and again prayer is for time, which is refused.

Submission of the learned counsel for the petitioner is



that in fact rice is not a controlled item. Hence, the provisions of E.C. Act are not applicable. Moreover, only suspicion is there that rice was stolen property without any substantive material. Further submission is that the petitioner is simply owner of the truck and the same should be released in favour of the petitioner to avoid the same being rotten in police lockup.

Finding substance in the submission aforesaid, let the said vehicle be released in favour of the petitioner 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 to the satisfaction of Additional Chief Judicial Magistrate-I, Gopalganj, 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. This order shall be subject to the result of the L.P.A. aforesaid.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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