

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.485 of 2017

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1. Manoj Kumar Pandey Son of Indra Dayal Pandey Resident of 12 , Juhi Kothi, Kapdaura Bara, Allahabad, P.S. Shankargarh, District Allahabad (U.P.) at present - Jogini, P.S. - Dawath, District - Rohtas at Sasaram
..... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food, Civil Supply and Consumer Protection, Govt. of Bihar, Patna
2. The District Magistrate-cum-Collector, Rohtas at Sasaram.
3. The Block Development Officer-cum-Block Supply Officer, Dawath, P.S. Dawath, District - Rohtas at Sasaram
4. The Officer-In-Charge, Dawath, Police Station - Dawath, District - Rohtas at Sasaram
..... Respondents

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Appearance :

For the Petitioner : Mr. Babu Nandan Prasad, Adv.
For the Respondents : Mr. Sanjay Kumar Giri, GP IX

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 30-08-2017

Heard the parties.

The pick-up van of the petitioner bearing registration no. UP-70FT-0297 was seized in connection with Dawat P.S. Case No. 15 of 2017 for alleged violation of provisions of Essential Commodities Act as the pick-up van was carrying wheat. Subsequently, Confiscation Case No. 1 of 2017 was initiated for confiscation of the seized wheat. On that ground the learned Court below, Subdivisional Judicial Magistrate, Bikramganj, Rohtas at Sasaram, has refused to release the vehicle in favour of the petitioner. Though the police report was that the vehicle may be released in favour of the petitioner.

The learned counsel for the State-respondents submits that proceeding for confiscation of the vehicle has also been started.

Since, the power of the executive authority to confiscate the vehicle, which is exercisable by a judicial authority



is subjudice consideration before a larger Bench of this Court in **L.P.A. No. 1647 of 2015 (Baleshwar Roy Vrs. The State of Bihar & Ors.)**, let the confiscation proceeding in respect of the above mentioned vehicle remained stayed till result of the Letters Patent Appeal, aforesaid.

In the meantime, the vehicle is ordered to be released by way of ad interim custody in favour of the petitioner on execution of surety bond of Rs.5,00,000/- (rupees five lakhs) (not in the form of bank guarantee or cash) along with two sureties of the like amount immediately.

With the aforesaid observations, this application stands **disposed off**.

(Birendra Kumar, J)

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