

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1438 of 2017

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

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MATEFUL BEGUM @ MATIFUL BEGUM, wife of Ajijur Rahman, Resident of
Village Shialtore Purwa Para, P.S Islampur, District Uttar Dinazapur (WB)

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Food and Civil Supply
Department, Govt. of Bihar, Patna
2. The District Magistrate, Kishanganj
3. Sub Divisional Officer, Kishanganj
4. Superintendent of Police, Kishanganj
5. Deputy Superintendent of Police, Kishanganj
6. Block Supply Officer, Thakurganj, Kishanganj
7. District Transport Officer, Kishanganj
8. Officer in Charge, Pauakhali, Kishanganj

.... Respondents

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Appearance :

For the Petitioner : Mr. Ram Prawesh Kumar, Advocate

For the Respondents : Mr. S. Raza Ahmad, AAG 5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 07-09-2017

Heard learned counsels for the parties.

The petitioner has challenged the order dated 06.06.2017
passed by the District Magistrate, Kishanganj in Confiscation Case
No. 35 of 2016-17 whereby the food grain along with the Pick up Van
of this petitioner bearing registration no. WB73B-7512 has been
confiscated under Section 6(A) (1) of the Essential Commodities Act.
Further prayer is for direction to the State-respondent to release the



seized vehicle.

Submission of the learned counsel for the petitioner is that the authority of the executive to confiscate the vehicle is sub judice before a Larger Bench of this Court in L.P.A. No. 1647 of 2015 (**Baleshwar Roy vs. The State of Bihar & Ors.**). Hence, till disposal of that issue, let the vehicle be released by way of ad interim custody in favour of the petitioner as no purpose is going to be served by its continued detention.

Learned counsel for the State-respondents has no objection in interim release of the said vehicle. However, his submission is that appropriate bond be executed by the petitioner to secure production of the vehicle and the order of interim release should be subject to the result of the pending L.P.A.

Considering the submission of the parties, let the impugned order as well as further proceeding before the court below remain stayed till disposal of the L.P.A. aforesaid and the same shall be subject to the results of the L.P.A.

After hearing the parties and considering the pendency of the aforesaid issue, let the vehicle in question be released in favour of the petitioner on execution of surety bond of Rs.4,00,000/- (rupees four lakhs) along with two sureties of the like amount (not in the form of bank guarantee or cash) with further condition that the petitioner



shall not dispose of the same without permission of the Collector, Kishanganj. The interim release shall be subject to the result of the pending L.P.A.

The petitioner would be at liberty to challenge the impugned order after disposal of the pending L.P.A. if occasion so arises.

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

(Birendra Kumar, J)

Kundan/-

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