

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2644 of 2017

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

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Permanand Sah @ Permanand Kumar, S/o Ramagaya Sah, R/o Chowk
Chakbharatpatti, Phulwariya Road, P.S. - Paroo, District - Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar, through the Collector, Muzaffarpur
2. The Collector, Muzaffarpur
3. The Block Supply Officer, Paroo, Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 20-12-2017

Heard learned counsel for the parties.

2. The truck of this petitioner bearing registration No. BR06G-9364 was seized in connection with Paroo P.S. Case No. 225 of 2017, a case under Section 7 of the Essential Commodities Act. Subsequently, confiscation Case No. 217 of 2017 was initiated by the Collector, Muzaffarpur.

3. Submission of the learned counsel for the petitioner is that the jurisdiction of the Executive Officer to confiscate the vehicle is sub judice before a larger Bench of this Court in **L.P.A. No. 1647 of 2015 (Baleshwar Roy V. The State of Bihar & Ors.)**. In the circumstances, till adjudication of the aforesaid issue, the confiscation proceeding be stayed and interim release of the vehicle be ordered as no purpose is going to be served by its continued detention in police lockup.

4. Learned counsel for the State-respondent has opposed the



prayer. However, does not dispute the aforesaid factual position of the pending issue in the L.P.A aforesaid.

5. Finding substance in the submission of the learned counsel for the petitioner, especially, the fact that no purpose would be served by continued detention of the vehicle, let the referred vehicle be released in favour of the petitioner by way of ad interim custody on execution of surety bond of Rs.20,00,000/- (Rupees Twenty Lakhs) (not in the form of bank guarantee/cash), along with two sureties of the like amount 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 without permission of the authority concerned and shall produce as and when required by the Court.

6. Let the operation of the confiscation proceeding remain in abeyance till disposal of the L.P.A. aforesaid and shall be subject to the final pending L.P.A. aforesaid.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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