

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2660 of 2018

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1. Lallu Yadav @ Lala Yadav @ Lalo Yadav, Son of Choote Yadav,
Resident of Village- Barhanpur, P.S.- Jairampur (Barbigha), District-
Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Civil Supply, Department of Food and Civil Supply, Government of Bihar, Patna.
2. The Collector- Cum- District- Magistrate, Nalanda at Biharsharif.
3. The Deputy Collector (Law), Nalanda.
4. The Superintendent of Police, Nalanda at Biharsharif.
5. The Supply Inspector, Asthawan, Nalanda.
6. The Officer- in- charge, of Sare Police Station, Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar No. 1
For the State : Mr. Upendra Pratap Singh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 17-02-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner seeks release of vehicle (Tata Pickup Xenon) bearing registration No. BR 21K 0671 in favour of the petitioner which has been seized by the Respondent No. 5 (Supply Inspector, Asthawan, Nalanda) in connection with Sare P.S. Case No. 132 of 2017 registered on 11.10.2017 for the offence under Section 7 of the Essential Commodities Act.

Learned counsel for the petitioner submits that the alleged seizure has been made by the police on the report of the informant (Supply Inspector) when the vehicle was in the process of



delivery of loaded rice and had been hired by another person for transportation of rice. He further submits that though he had filed an application for release of the vehicle before the S.D.J.M., Nalanda, the same was not entertained and the vehicle is languishing thereafter. He further submits that this Court under similar circumstances has directed the release of vehicle as the matter has been referred to a Full Bench pursuant certain directions issued by two co-ordinate Division Benches during the pendency of **L.P.A. No. 1647 of 2015 (Baleshwar Roy vs. The State of Bihar & Ors.)**. The vehicle which has been so seized, has been directed to be released, subject to the final result of the pending L.P.A. aforesaid. Learned counsel for the petitioner has also produced an order passed in **CR.W.J.C. No. 624 of 2017 (Arvind Kumar Verma Vs. State of Bihar & Ors.)** wherein the vehicle seized under similar circumstances has been directed to be released.

Under the circumstances, it is directed that since the power of the executive authority to confiscate is under challenge before the Larger Bench, let the vehicle in question be released in favour of the petitioner on execution of surety bond of Rs.10,00,000/- (rupees ten lakhs) (not in the form of bank guarantee) along with two sureties with condition that the petitioner shall not dispose of the same and shall produce the vehicle as and when required by the court.



This order shall be subject to the final result of the pending
L.P.A. aforesaid.

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

(Anjana Mishra, J)

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