

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11924 of 2018

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Anish Kumar, S/o Tuntun Mahto, resident of Village- Susta, P.S.- Sada Muzaffarpur, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar, through the Secretary, Agriculture Department, Government of Bihar, Patna.
2. The Collector-cum- District Magistrate, Muzaffarpur.
3. The Sub Divisional Agriculture Officer, Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate.

For the Respondents : Mr. Raghwanand, GA-11

Mr. Rajan, AC to GA-11

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-07-2018

Heard learned counsel for the petitioner as well as learned counsel for the respondents.

2. The present writ petition has been filed for release of seized truck of the petitioner bearing registration no. HR38G-4195 in connection with Motipur P.S. Case No. 474/2017 dated 27.12.2017 under Section 7 of the E.C. Act giving rise to confiscation case no. 02 of 2018-19.

3. Learned counsel for the petitioner submits that an FIR in Motipur P.S. Case No. 474 of 2017 was instituted for the offence under Section 7 of the E.C. Act and a confiscation case has already been initiated. It is submitted that the vehicle seized in that connection be released, as by its very nature it is susceptible to deterioration if kept idle, apart from the fact that its seizure is resulting in deprivation of livelihood to the petitioner.



4. Having regard to the nature of prayer of the petitioner, this Court directs that the truck bearing Registration No. HR 38G-4195 seized in connection with Motipur P.S. Case No. 474 of 2017, if not already confiscated, be released in favour of the petitioner within one week from the date of receipt/production of a copy of this judgment upon furnishing sufficient security, 5% of which should be in the form of cash/bank guarantee, to the satisfaction of learned Collector-cum- District Magistrate, Muzaffarpur, on proper verification of the ownership of the vehicle and also with undertaking that the petitioner shall produce the vehicle before the concerned authorities as and when required to do so. The petitioner shall not encumber or dispose of the vehicle during pendency of the criminal case and/or confiscation case, as the case may be, nor create any third party rights such as might prejudice the rights of the State in such proceedings.

5. The writ petition stands disposed of.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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