

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5119 of 2016

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Santosh Kumar son of Rajeshwar Choudhary, resident of Tepari, P.S. Pear,
Distt- Muzaffarpur.

.... Petitioner

Versus

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

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari

For the Respondents : Mr. P.K. SINGH- SC12

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-05-2018

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

2. The present writ petition has been filed for a direction to release the seized Tata 407 bearing Registration No. BR-06G 4102 seized on 14.07.2015 by the Block Supply Officer, Bandra, Muzaffarpur in Piar (Hatha O.P.) P.S. Case No. 67 of 2015 under Section 7 of the E.C. Act in favour of the petitioner.

3. Learned counsel for the petitioner submits that an FIR in Piar (Hatha O.P.) P.S. Case No. 67 of 2015 was instituted for the offence under Section 7 of the Essential Commodities Act. 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 vehicle Tata 407 bearing Registration No. BR-06G 4102 seized in connection with Piar (Hatha O.P.) P.S. Case No. 67 of 2015, 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, 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 Tata 407 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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