

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4023 of 2018

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Ravindra Kumar Singh, son of Bhagwat Singh @ Bhagavata Prasad Singh,
Resident of Village- Mohan Bazar, P.S. Mahrajanj, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Collector cum District Magistrate, Siwan, District- Siwan.
3. The Superintendent of Police, Siwan, District- Siwan.
4. The S.H.O. cum Officer In charge, Raghunathpur Police Station, District- Siwan.
5. The Block Supply Officer, Raghunathpur, District- Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate

For the Respondent/s : Mr. ARVIND UJJWAL SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 27-03-2018

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 the respondents to release the petitioner's seized Ashok Leyland Truck bearing Registration No. BR01GB 4299, Chassis No. MB1KADYC6BPYB0176, Engine No. YBP107913 which has been seized by the respondent no. 4 and handed over to the respondent no. 2.

3. Learned counsel for the petitioner submits that an FIR in Raghunathpur P.S. Case No. 04 of 2018 for the offence under Section 420 and Section 7 of the Essential Commodities Act has been instituted but, however, no confiscation proceeding has been initiated as stated in para 12 of the writ petition. It is submitted that the truck 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. BR01GB 4299 seized in connection with Raghunathpur P.S. Case No. 04 of 2018 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 District Magistrate, Siwan, District Siwan on proper verification of the ownership of the vehicle and also with undertaking that the petitioner shall produce the truck 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)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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