

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6152 of 2018

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Prabhunarayan Singh, Son of Late Saheb Singh, Resident of Village-
Chandbarwa, Police Station- Mashrakh, District- Saran.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply, Bihar, Patna.
2. The District Magistrate, Saran.
3. The Block Supply Officer, Mashrakh, Saran.
4. The Officer-in-Charge, Mashrakh Police Station, Saran.

.... Respondents

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Appearance :

For the Petitioner : Mr. Krishna Kumar Singh, Advocate.

For the Respondents : Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-04-2018

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

2. The present writ petition has been filed for the
following reliefs –

*(i) For a direction to the respondent-District Magistrate,
Sadar to dispose of Confiscation Case No. 20/2017 in
which the petitioner filed an application to release of pick-
up van bearing No. BR-04-GA-0223 on 28.10.2017 by the
confiscation case has not been disposed of even after more
than five months from the date of filing of the aforesaid
case.*

*(ii) For grant such other relief(s) for which the petitioner
is found to be entitled in the facts and circumstances of
the case.”*



3. It is submitted that the pick-up van in question has been seized merely on suspicion that the rice loaded thereon was intended for black-marketing and it was with this objective that the petitioner's pick-up van had intentionally been delayed after being dispatched by the Officer-in-Charge of State Food Corporation. It is submitted that the petitioner, who is the owner of the pick-up van has been made accused in Mashrak P.S. Case No. 237 of 2017 registered for the offence committed under Section 7 of the Essential Commodities Act. Moreover, no notice has been served upon the petitioner in connection with confiscation proceeding for the pick-up van which is said to be pending before the District Magistrate, Saran. It is submitted that the pick-up van ought to be released as by its very nature it is susceptible to deterioration as it will be 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 pick-up van bearing Registration No. BR-04-GA-0223 seized in connection with Mashrak P.S. Case No. 237 of 2017 be released in favour of the petitioner within a period of four weeks 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, Saran on proper verification of the ownership of the



pick-up van and also with undertaking that the petitioner shall produce the pick-up van before the concerned authorities as and when required to do so.

5. The writ petition stands disposed of.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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