

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.15195 of 2017**

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Ranjeet Kumar Son of late Arun Kumar Resident of Mohalla- Patel Nagar, Police Station- Sohsarai, District- Nalanda.

.... .... Petitioner

Versus

1. The State of Bihar , through the Secretary, Department of Food & Civil Supplies, Government of Bihar, Patna.
2. The District Magistrate,, Vaishali at Hajipur, Bihar.
3. The Superintendent of Police, Vaishali at Hajipur, Bihar.
4. The Block Development Officer, Rajapakar, Mahua, Distt. Vaishali.
5. The Officer-in-Charge, Rajapakar Police Station- Mahua, Vaishali, Bihar.

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Ajay Kumar, Advocate.

For the Respondents : Mr. S.Raza Ahmad,AAG-5

Mr. Alok Ranjan, AC to AAG-5

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL JUDGMENT

**Date: 20-02-2018**

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 truck (open body) bearing Registration No. BR01 GC 3832 which has been seized by the respondent no. 4 and handed over to the respondent no. 5.

3. It is submitted that the truck 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 truck had intentionally been delayed after being dispatched by the Officer-in-Charge of State Food Corporation. It is submitted that



neither the petitioner who is the owner of the truck nor the driver thereof have been made accused in Rajapakar P.S. Case No. 82 of 2016 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 truck which is said to be pending before the District Magistrate, Vaishali at Hajipur. It is submitted that the truck 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 truck bearing Registration No. BR01 GC 3832 seized in connection with Rajapakar P.S. Case No. 82 of 2016 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, Vaishali at Hajipur 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.

5. The writ petition stands disposed of.

**(Vikash Jain, J)**



Md. Ibrarul/Chandran

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