

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.113 of 2018

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Moti Lal Saw, S/o Arjun Saw, R/o Vill.- Baghibardiha, P.O.- Warsaliganj,
P.S.- Warsaliganj, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply,
Govt. of Bihar, Patna.
2. District Magistrate, Nawada.
3. Superintendent of Police, Nawada.
4. Block Supply Officer, Warsaliganj, Nawada.
5. Officer In Charge, Warsaliganj P.S., District - Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Abhimanyu Pratap

For the Respondent/s : Mr. S. Raza Ahmad (AAG 5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN

PRASAD

ORAL ORDER

4 29-03-2018 A counter affidavit on behalf of the respondent no.4, the Block Supply Officer, Warsaliganj, Nawada, has been filed. In the entire counter affidavit there is no compliance of the earlier order dated 09.03.2018 passed by this Court directing the Block Supply Officer, Warsaliganj, Nawada to file an affidavit stating the materials on the basis of which he has alleged that the rice which are being loaded on the truck are the government rice. The only statement made in the counter affidavit is that the truck in question was seized on the allegation of black-marketing of government rice which was loaded on the truck.



In the facts and circumstances, if the Block Supply Officer, Warsaliganj, despite indulgence, has failed to bring on record any material in terms of the direction of this Court, let the vehicle in question i.e. Tata 909 (wrongly mentioned as 709 in the FIR and seizure list) Truck bearing Reg. No.BR-21E-5034, Engine No.497TC96BYY807495, Chassis No.MAT454101B8B05782 which has been seized in connection with Warsaliganj P.S. Case No.134 of 2017, District-Nawada registered under Section 7 of the E.C. Act and Section 414 of the Indian Penal Code, be released provisionally in favour of the petitioner on production of document of ownership with regard to the vehicle in question and two surety bonds to the extent of the value which may be assessed by the Motor Vehicle Inspector to the satisfaction of the District Magistrate, Nawada. The whole exercise of assessment of value must be completed within a period of ten days from today and the vehicle shall be released within two days from the date of submission of the surety bonds and document of ownership in favour of the petitioner. The petitioner shall not dispose of the vehicle or encumber the same in any manner whatsoever creating any adverse interest against the interest of the State. He would also undertake to produce the vehicle as and when required before the authority concerned.



The writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

Arvind/-

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