

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11591 of 2018

- =====
1. Mahavir Kumar son of Baiju Mahto, resident of R-77 Janta Flat Bahadurpur housing Colony, P.S. Agamkuan, District-Patna.
 2. Rajkumar Saw, son of late Sita Saw, resident of R-77 Janta Flat Bahadurpur housing Colony, P.S. Agamkuan, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Patna.
3. The Supply Inspector Rationing Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Adv.

For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC-4

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date: 14-08-2018

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner seeks release of his seized Pick-up Van bearing Registration No. BR-1W-2557, which was seized in connection with Gardanibagh P.S. Case No. 101 of 2018, under Section 7 of the E.C. Act. A confiscation case being Confiscation Case No. 10 of 2018, has also been lodged which is pending before the Collector, Patna.

The allegation upon the petitioner is that the Pick-up Van in question of which he is the owner, 70 bags of rice was being unloaded near the PDS shop of one Prem Kumar Singh. The FIR has been lodged by the Supply Inspector, Rationing, Patna on 14.03.2018. The raid was conducted by the Marketing Officer and the Supply



Inspector. Petitioner seeks release of his Pick-up Van. He relies on the decision of this court dated 15.05.2018 passed in CWJC No. 5119 of 2016 (Santosh Kumarn Vs. The State of Bihar & Ors.) and CWJC No. 10712 of 2018 dated 01.08.2018 (Binod Ram Das Vs. The State of Bihar & Ors.).

Having regard to the nature of the prayer of the petitioner, this Court directs that the Pick-up Van bearing Registration No. BR-1W-2557 seized in connection with Gardanibagh P.S. Case No. 101 of 2018 be released in favour of the petitioner after furnishing sufficient security to the satisfaction of the learned Collector, Patna within one week from the date of receipt/production of this Order.

However, the said release will be subject to the result of the confiscation proceedings and the civil proceedings pending before the court concerned.

Writ application is allowed as above.

(Nilu Agrawal, J)

Devendra/Priyanka

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.08.2018
Transmission Date	NA

