

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12381 of 2018

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Bhana Ram son of Babu Lal, resident of Village- Rajola Kalla, P.S. Shivpura,
District- Palli, State- Rajasthan.

.... Petitioner

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, Vaishali at Hajipur.
3. The Block Supply Officer, Bhagwanpur.
4. The Officer-in-Charge, Sarai Police Station, Vaishali.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-07-2018

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 release the seized Truck of the petitioner bearing Registration No.
RJ19GF3130 in connection with Sarai P.S. Case No. 119 of 2018
registered under Section 7 of the E.C. Act in favour of the petitioner.

3. Learned counsel for the petitioner submits that an FIR
in Sarai P.S. Case No. 119 of 2018 was instituted for the offence under
Section 7 of the Essential Commodities Act. It is submitted that the
vehicle seized in that connection 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. RJ19GF3130 seized in connection with Sarai P.S. Case No. 119 of 2018, if not already confiscated, 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 Collector-cum-District Magistrate, Vaishali at Hajipur on proper verification of the ownership of the vehicle and also with undertaking that the petitioner shall produce the vehicle before the concerned authorities as and when required to do so. The petitioner shall not encumber or dispose of the Truck during pendency of the criminal case and/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)

Md. Ibrarul/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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