

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7199 of 2018

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Manish Kumar Son of Rajnandan Prasad Resident of Village- Sewadaha
Bahorichak, P.S- Dhanarua, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply Department, Bihar, Patna.
2. The Collector-cum-District Magistrate, Patna.
3. The Additional District Magistrate, Supply Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ajay Kumar Sinha, Advocate.
For the Respondents : Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-05-2018

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) Issuance of an appropriate direction to quash
confiscation proceeding being E.C. Case No. 47/2016-17
(State Vs. Pintu Kumar and Others) including order dated
15.03.2017 by which the respondent No. 2 has issued
notice to the petitioner.*

*(ii) Issuance of an appropriate direction upon the
respondent no. 2 to release the vehicle BOLERO PICKUP
DIESEL VAN having registration no. BR25G-3988 chasis
no. MA1ZN2GHKE3L53183, Engine No. GHE4L61667, in
favour of the petitioner in connection with confiscation
proceeding being E.C. Case No. 47/2016-17 during the*



pendency of this case.

(iii). To grant any other relief (s) in the particular facts and circumstances of the case.”

3. Learned counsel for the petitioner confines the relief sought in the second prayer with respect to release of the vehicle, and does not press the prayer for quashing the confiscation proceeding.

4. Learned counsel for the petitioner submits that an FIR in Dhanarua P.S. Case No. 558 of 2016 was instituted for the offence under Sections 379 and 420 of the Indian Penal Code. 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.

5. Having regard to the nature of prayer of the petitioner, this Court directs that the vehicle Bolero Pickup Diesel Van bearing Registration No. BR25G-3988 seized in connection with Dhanarua P.S. Case No. 558 of 2016, 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 District Magistrate, Patna, 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 vehicle during pendency of the criminal case and/or 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.

6. The writ petition stands disposed of.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
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