

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3959 of 2018

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Md. Shafique @ Shafiquee, Son of Mainuddin @ Md. Aluddin, resident of Village- Rampur, Mohanpur, Ward No. 09, P.O. : Rampur, P.S.: Forbesganj, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar represented through the Principal Secretary-cum-Commissioner, Food & Civil Supply, Government of Bihar, Patna.
2. The District Magistrate, Araria.
3. The Superintendent of Police, Araria.
4. The Block Supply Officer, Araria.
5. The Officer in Charge, Araria Police Station, District- Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumar Ravish,
Mr. Sanjay Kumar Sharma,
Mr. Kashyap Kaushal,Adv

For the Respondent/s : Mr. S. RAZA AHMAD- AAG5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 27-03-2018

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 seized Tata Pickup bearing Registration No. BR1-S-4868 which has been seized by the respondent no. 4 and handed over to the respondent no. 5.

3. Learned counsel for the petitioner submits that an FIR in Araria P.S. Case No. 498 of 2017 for the offence under Section 7 of the Essential Commodities Act has been instituted and confiscation proceeding (Confiscation Case No. 6 of 2017) has been initiated as stated in para 12 of the writ petition. Moreover, no notice has been served upon the petitioner in connection with confiscation proceeding for the vehicle in question, which is said to be pending before the



District Magistrate, Araria. It is submitted that the said vehicle 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 Tata pickup bearing Registration No. BR1-S-4868 seized in connection with Araria P.S. Case No. 498 of 2017 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, Araria 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.

5. The writ petition stands disposed of.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.03.2018
Transmission Date	NA

