

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10712 of 2018

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Binod Ram Das S/o Jhari Ram Das Resident of Village - Kharauda Belhar,
P.S. - Belhar, District - Banka.

... .. 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, Banka.
3. The Block Supply Officer, Phulidumar, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Anand, Advocate
		Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondent/s	:	Mr. U.P. Singh, AC to SC-4

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 01-08-2018

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

Petitioner by this writ application seeks release of his
pickup van, bearing registration no. BR-53A-7422 seized in
connection with Amarapur P.S. Case No. 488 of 2017 lodged under
Section 7 of the E.C. Act.

On 05.10.2017, on the information of the District Supply
Officer, Banka, pickup van of the petitioner was intercepted by the
Block Supply Officer, Phulidumar and 54 bags of rice each of 50
Kg, about 27 quintals was confiscated under Section 7 of the E.C.
Act, the pickup van carrying the food grains was also seized and a
First Information Report was lodged being Amarapur P.S. Case No.
488 of 2017.



Learned counsel for the petitioner submits that the seized pickup van be released in his favour. He relies on the decision of this Court dated 15.05.2018 passed in CWJC No. 5119 of 2016 (Santosh Kumar Vs. The State of Bihar & Ors.).

Having regard to the nature of the prayer, this Court directs that the pickup van bearing registration no. BR-53A-7422 seized in connection with Amarpur P.S. Case No. 488 of 2017 be released in favour of the petitioner on furnishing sufficient security to the satisfaction of the S.D.J.M., Banka within one week from the date of receipt/ production of a copy of this order.

However, the said release will be subject to the result of the confiscation proceeding or criminal proceeding pending before the court concerned.

Writ application is disposed of accordingly.

(Nilu Agrawal, J)

Arjun/Pragya

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.08.2018
Transmission Date	NA

