

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11396 of 2018

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Md. Nejamuddin, son of Haji Abdulo Karim, resident of Village Okhargara, P.S.
Meral Okhargara Purvi, District Garahwa (Jharkhand)

.... Petitioner

Versus

1. The State of Bihar
2. Director General of Police, Bihar, Patna.
3. The Senior Superintendent of Police, Patna.
4. The District Magistrate, Patna.
5. The Sub Divisional Officer, Patna City, Patna.
6. The District Supply Officer, Patna.
7. The Marketing Officer, Patna Supply Department, Patna.
8. The Officer Incharge, Alamganj Police Station, Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Shashi Bhushan Kumar, Advocate

For the Respondents : Mr. Alok Ranjan, AC to AAG5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 26-06-2018

Heard learned counsel for the petitioner as well as learned
counsel for the respondents.

2. The petitioner seeks a direction to the respondents to release
truck bearing registration no. CG10AH 2048, Engine No.
ISBE591804071f63600331 seized by the Marketing Officer, Supply
Department, Patna (respondent no. 7) in connection with Alamganj P.S.
Case No. 269 of 2018 under Section 7 of the Essential Commodities Act.

3. Learned counsel for the petitioner submits that an FIR in
Alamganj P.S. Case No. 269 of 2018 was instituted for the offence under
Section 7 of the Essential Commodities Act and confiscation proceeding
has not been initiated. 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. Learned counsel for the State appears and has been heard.

5. Having regard to the nature of prayer of the petitioner, this Court directs that truck bearing registration no. CG10AH 2048, Engine No. ISBE591804071f63600331 seized in connection with Alamganj P.S. Case No. 269 of 2018 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 Sub-Divisional Judicial 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)

B.T/Chandran

AFR/NAFR	NAFR
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