

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11423 of 2018

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Prem Crane and Transport Services through its Manager Bhaiya Rakesh Singh son of Tej Narayan Singh resident of Teekhampur, P.S.- Baliya, District- Baliya (U.P.).

.... 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 : AC to GA4

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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. HR 55Q 0703, Engine No. VBP114170 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. HR 55Q 0703, Engine No. VBP114170 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.

B.T/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	01.07.2018
Transmission Date	N.A.

