

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.781 of 2018

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Amit Kumar @ Amit Bhagat @ Anupam Bhagat, Son of Late Raj Kishore Bhagat, Resident of Village-Gauripur, Ward no.05, P.S.-Singheshwar, District-Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar through District Magistrate-cum-collector, Madhepura.
2. The District Magistrate cum Collector, Madhepura.
3. The Sub Divisional Officer, Madhepura
4. The Superintendent of Police, Madhepura.
5. The Officer In-charge, Singheshwar Police Station, District-Madhepura.
6. Naresh Kumar Jaiswal, Son of Late Tata Prasad Jaiswal, Block Supply Officer, P.S. Singheshwar, Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh
For the Respondent/s : Mr. P. K. Verma (AAG 3)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-03-2018 At the outset, learned counsel for the petitioner seeks permission to convert this criminal writ application in a civil writ application as he wants to challenge the impugned order as also the *virus* of the provisions of the Essential Commodities Act. According to learned counsel, the confiscation order has been passed by the District Magistrate, who is an Executive and similar question is pending consideration in L.P.A. No.1647/2015.

Petitioner is permitted to do so.

Office to report accordingly.

In the meantime, let the vehicle of the petitioner



namely Magic Pick-up Van bearing Reg.No.BR19F-6973, which has been seized by the police in connection with Singheshwar P.S. Case No.194 of 2016, District-Madhepura for the offence under Section 7 of the E.C.Act, be provisionally released within one week from the date of production of proof of ownership and registration of the vehicle in favour of the petitioner subject to the following conditions:-

(i) Petitioner shall furnish surety bond for the amount as fixed by the Motor Vehicle Inspector in view of order impugned within a period of one week (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of District Magistrate, Madhepura/authority concerned.

(ii) The petitioner shall also give an undertaking that he will not deal with the vehicle in question and shall not alienate or encumber the same creating any kind of adverse interest against the interest of the State, he will not use the vehicle for any illegal purpose and as and when required, he will produce the vehicle in question before the competent court/authority.



(iii) At the time of release, the concerned authority/court shall get prepared a photograph duly certified in presence of the petitioner and panchnama of the vehicle in question shall also be prepared and keep the same on record which may be used as secondary evidence.

(iv) Petitioner undertakes not to challenge the said photograph and panchnama so prepared in his presence at the time of release of vehicle in question for use in course of trial or the confiscation proceeding, as the case may be.

(Rajeev Ranjan Prasad, J)

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