

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9866 of 2018

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Sahdeo Ray, S/o Late Randhir Ray, R/o Village- Badhaunatol, P.S.- Vidyapati Nagar, District- Samastipur, At present resident of Mohalla- Harnichk, P.S.- Phulwari, District- Patna

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna
2. The District Magistrate-cum-Collector, Purnea.
3. The Superintendent of Police, Purnea District-Purnea.
4. The Sub-Divisional Officer, Baisi, District- Purnea.
5. The Block Supply Officer, Baisi, District-Purnea

.... Respondents

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Appearance :

For the Petitioner : Mr. Gajendra Kumar Singh, Advocate

For the Respondents : Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-05-2018

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 Truck bearing Registration No. BR01GF/9727, Chehis No. MAT466429-GHF09073, Engine No. S0308246IE84313029 in favour of the petitioner who is owner of the said Truck; and for further direction to the respondents not to put the aforesaid truck on auction sale.

3. Learned counsel for the petitioner submits that an FIR in Baisi P.S. Case No. 07 of 2018 for the offence under Section 7 of the Essential Commodities Act has been instituted but, however, no confiscation proceeding has been initiated as stated in paragraph 2 of the supplementary affidavit. It is submitted that the truck 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 Truck bearing Registration No. BR01GF/9727 seized in connection with Baisi P.S. Case No. 07 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 S.D.J.M. , Purnea on proper verification of the ownership of the vehicle and also with undertaking that the petitioner shall produce the truck 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)

B.T/-

AFR/NAFR	NAFR
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