

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11502 of 2018

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Jitendra Kumar, Son of Late Kaushal Kumar Keshari, 154 Resident of Village
Tahal Tola Dhanaut, P.S. Rupaspur (Danapur), District - Patna, Bihar - 801506.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food & Civil Supplies Department, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, Patna.
3. The Food & Civil Supplies Commissioner, Patna.
4. The Superintendent of Food & Civil Supplies, Patna.
5. The Superintendent of Police, Patna.
6. The Officer Incharge Bihta Police Station, District - Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Subhash Patel, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28-06-2018

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 truck bearing Registration No. BR 1G-2010 which was
seized by Block Supply Officer, Bihta, Patna giving rise to Bihta P.S. Case No.
265 of 2018 registered under Section 7 of the Essential Commodities Act.

3. Learned counsel for the petitioner submits that an FIR in
Bihta P.S. Case No. 265 of 2018 was instituted for the offence under Section 7
of the Essential Commodities Act and a confiscation proceeding bearing
Confiscation Case No. 03 of 2018-19 has already 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. Having regard to the nature of prayer of the petitioner, this Court directs that truck bearing Registration No. BR 1G-2010 seized in connection with Bihta P.S. Case No. 265 of 2018, if not already confiscated, 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 District 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.

5. The writ petition stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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