

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12534 of 2018

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Shobhan Yadav @ Shobhan Chaodhari @ Sobhan son of Eashwar Yadav @ Ishwar Yadav, resident of Village- Athdila, P.O.- Chainwa, Police Station- Rasulpur, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna.
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The Sub Divisional Officer, Maharajganj, Siwan.
5. The Block Supply Officer, Maharajganj, Siwan.
6. The Officer in Charge, Daraunda, Police Station, District- Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. D.N. Tiwari, Adv.

Mr. Ashok Kumar, Adv.

For the Respondent/s : Mr. Arvind Ujjwal- SC4

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date: 27-08-2018

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner in the present writ application seeks release of his vehicle i.e. Mahindra Tempo bearing Registration No. BR-04Q-2982 which has been seized in connection with Daraunda P.S. Case No. 127 of 2016 for offence alleged under Section 7 of the Essential Commodities Act.

The facts of the case is that the Block Supply Officer,



Maharajganj-cum-Daraunda seized the Mahindra tempo of the petitioner in which six bags of wheat each of 50kg and 5 bags of rice each of 50kg was being carried from the shop of a PDS dealer namely Sanjay Kumar Singh. The allegation in the said Daraunda P.S. Case No. 127 of 2016 is that the said food-grains were being carried in the petitioner's vehicle for black marketing.

Learned counsel for the petitioner submits that Confiscation Case No. 116 of 2016-17 was also initiated before the District Magistrate-cum-Collector, Siwan. He submits that the Mahindra tempo is seized since last two years and he is ready to furnish sufficient security for release of the said vehicle.

Learned counsel for the State appears and is heard.

Considering the nature of prayer, the said Mahindra Tempo bearing Registration No. BR-04Q-2982 seized in connection with Daraunda P.S. Case No. 127 of 2016 be released in favour of the petitioner within a period of four weeks from the date of receipt/production of a copy of this order on furnishing of surety bonds to the satisfaction of the learned District Magistrate, Siwan where Confiscation Case No. 116 of 2016-17 is pending. However, the said release will be subject to the result of the criminal and confiscation proceedings. The petitioner is restrained to create any 3rd party interest with respect to Mahindra Tempo No. BR-04Q-2982 during the pendency of the



said two proceedings.

Accordingly, writ application is allowed.

(Nilu Agrawal, J)

Devendra/Priyanka

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.08.2018
Transmission Date	NA

