

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16958 of 2018

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Birendra Kumar Yadav, son of Rameshwar Prasad Yadav @ Rameshwar Yadav, resident of village Kesharbang ashatti, P.S. Bardban, district Bardban (WB), Pin 713 104 ... Petitioner

Versus

1. The State Of Bihar through Principal Secretary, Food & Civil Supply Department, Bihar
 2. The Collector, Lakhisarai
 3. The S.D.O., Lakhisarai
 4. The Block Supply Officer, Pipariya, Lakhisarai ... Respondents
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Appearance :

For the Petitioner	:	Mr. N.K. Agarwal, Sr. Adv. with Mr. Vijay Anand, Adv.
For the Respondents	:	Mr. S.Raza Ahmed, AAG V with Mr. Anisul Haque, AC to AAG V

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 31-08-2018 Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

2. Petitioner seeks release of public truck, bearing registration no. WB 41H 2048, which was loaded with 430 bags of rice, containing 50 Kg each, which was seized by the Block Supply Officer, Pipariya, Lakhisarai, giving rise to Halsi (Ramgarh Chowk) P.S. Case No. 98 of 2018 under Section 7 of the Essential Commodities Act.

3. Learned counsel for the petitioner submits that the rice being free sale commodity was being carried in a public truck and the rice does not belong to any Government department rather it is the milled rice of the firm M/s Maa Rice Mill Chaniniya. He submits that the first information report has



been lodged only on suspicion and a Confiscation Case No. 36 of 2018 is also pending before the Collector, Lakhisarai. He, further, submits that the truck is subject to wear and tear and is lying seized since 08.07.2018.

4. Learned counsel for the State appears and is heard.

5. Considering the nature of prayer, the truck bearing registration no. WB 41H 2048 be released in favour of the petitioner on furnishing of sufficient security to the satisfaction of the learned Collector, Lakhisarai, i.e., respondent no. 2, in Confiscation Case No. 36 of 2018, within fourteen days from the date of receipt/production of a copy of this order. Since, the truck has the registration number of West Bengal, two bailors would be local persons of the said district. However, the said release is subject to the result of Halsi (Ramgarh Chowk) P.S. Case No. 98 of 2018 and Confiscation Case No. 36 of 2018.

6. The writ application is **allowed**, as above.

(Nilu Agrawal, J)

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