

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8645 of 2018

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Md. Samsad Alam @ Md. Shamshad Alam, Son of Late Md. Kari, Resident of
Village- Raghapur, Tola- Chharrappatti, P.S.- Manigachi, District- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food & Civil Supply
Department, Bihar.
2. The Collector, Purnea.
3. The Block Supply Officer, Purnea.

.... Respondents

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Appearance :

For the Petitioner : Mr. Vijay Anand, Advocate.

For the Respondents : Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 21-06-2018

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 release two public carrier trucks bearing Registration No.
BR 06GA-1270 and BR 06GA 3204 loaded with 361 bags of rice and
398 bags of rice which were seized by B.S.O. Baisi, Purnea give rise to
Baisi P.S. Case No. 27 of 2018 registered under Section 7 of the
Essential Commodities Act.

3. Learned counsel for the petitioner submits that an
FIR in Baisi P.S. Case No. 27 of 2018 was instituted for the offence
under Section 7 of the Essential Commodities Act and a confiscation
proceeding 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. The



foodgrains loaded on the said trucks have already been directed to be released by judgment dated 15.05.2018 passed in C.W.J.C. No. 7030 of 2018.

4. Having regard to the nature of prayer of the petitioner, this Court directs that the two public carrier trucks bearing Registration No. BR 06GA-1270 and BR 06GA 3204 seized in connection with Baisi P.S. Case No. 27 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, Purnea, 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)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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