

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1351 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- SIWAN

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Anil Sharma, Son of Late Hari Sharma @ Late Hari Mistri, Resident of Village-
Bodha Chapra, Police Station-Daraunda, District-Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Supply, Bihar, Patna.
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The Block Development Officer, Maharajganj, District-Siwan.
5. The S.H.O., Police Station-Maharajganj, District-Siwan.
6. The District Manager, Bihar State Food & Civil Supplies Corporation, Siwan.
& Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Adv

For the Respondent No.6: Mr. Umesh Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 30-05-2018

Heard learned counsel for the parties.

2. The petitioner is owner of Tempoo bearing registration
No. BR-29R-5586. The said Tempoo was seized in connection with
Maharajganj P.S. Case No.48 of 2017, a case registered under
Section 7 of the Essential Commodities Act.

3. The present writ application has been filed for direction
to the respondents to release the said vehicle.

4. Contention of the learned counsel for the petitioner is
that the power of the executive authority to confiscate the vehicle is
pending consideration in **LPA No.1647 of 2015 (Baleshwar Roy V.
The State of Bihar & Ors.)** before a larger Bench of this Court.



Hence, till adjudication of that dispute the interim release of the vehicle may be ordered in favour of the petitioner otherwise the vehicle would get rotten in the police lockup.

5. Learned counsel for the respondent submits that since the prayer of the petitioner is pending before the Court-below, this writ application is not maintainable for grant of same relief.

6. In the circumstances, for substantial justice, let the vehicle, in question, be released in favour of the petitioner by way of ad interim custody on execution of surety bond of Rs.1,00,000/- (One Lac), not in the form of cash/Bank Guarantee, along with two sureties of the like amount each to the satisfaction of the concerned authority with condition that the petitioner would not dispose of the said vehicle without permission of the authority concerned and shall produce as and when required by the Court. The release shall be subject to the result of the L.P.A. aforesaid.

7. With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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