

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2708 of 2019

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Kamla Devi, wife of Sri Bharat Sah, Resident of Village- Garkha, P.S.-
Garkha, District- Saran at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna
2. The Collector, Saran at Chapra
3. The Additional Deputy Collector, Saran at Chapra
4. The Superintendent of Police, Saran at Chapra
5. The Circle Officer cum Block Supply Officer, Garkha, Saran at Chapra
6. The Station House Officer, Garkha, Saran at Chapra

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Tej Pratap Singh
For the Respondent/s : Mr.S.Raza Ahmad (AAG5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-04-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner, in the present case, is seeking a direction to
the respondent authorities to release and hand-over the Mini
Truck bearing Reg.No.BR-04A-3332, which has been seized in
connection with Garkha P.S. Case No.325 of 2018 for the
offence alleged under Section 7 of the Essential Commodities
Act.

Learned counsel for the petitioner has taken this Court
through the contents of the FIR as contained in Annexure-1 to
the writ application. It is pointed out that in the whole FIR the
only thing for reason to seize the vehicle is that there was a



suspicion in the mind of the police authorities that the truck was loaded with rice which appear to be that of the Food Corporation of India. Learned counsel submits that there is not even a prima-facie reason as to how the vehicle may be seized on mere suspicion. It is further submitted that the rice is not a controlled item and despite this being the position the police authorities have indulged in seizure of the vehicle. It is submitted that presently the petitioner has not received any notice of confiscation case. For the purpose of release of the vehicle, the petitioner is ready and willing to provide adequate surety.

Learned counsel for the State is present and submits that instead of waiting for counter affidavit in the case, the writ application may be disposed off on similar lines on which this Court has passed orders in similar nature of cases.

Having heard learned counsel for the petitioner and the State, in the given facts of the case where no confiscation notice has been served on the petitioner and further that in the FIR it is stated on suspicion that the rice seem to be that of the Food Corporation of India and save and except that no other material has been pointed out to justify the seizure of the vehicle in question, following the line of authority on the subject, this



Court directs release of the vehicle in question in favour of the petitioner on the petitioner furnishing documents of ownership and registration with two surety bonds to the extent of the value of vehicle as indicated in insurance document to the satisfaction of the District Magistrate-cum-Collector, Saran at Chapra. The petitioner shall also furnish an undertaking that he will produce the vehicle as and when required by the authority concerned and shall not encumber the same in any manner whatsoever by creating any third party right. The petitioner shall not prejudice the right of the State. The vehicle in question shall be released in favour of the petitioner within one week from the date of submission of the surety bonds.

The writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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