

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1963 of 2019

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Lakhan Ram (Male) aged about 43 years, son of Badri Ram R/o Village/Town-Fetehpur ,Police Station-Fatehpur,District-Gaya.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Food and Consumer Protection Department, Govt. of Bihar, Patna
2. The District Magistrate Gaya
3. The Sub-Divisional Officer Sadar Gaya
4. The Block Supply Officer Sadar Gaya, District – Gaya.
5. The Officer Incharge, Fatehpur Police Station Fatehpur Police Station, District-Gaya

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Binay Kumar
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-02-2019 This writ application has been preferred for a direction to the concerned authority to release the Bolero Pick-Up Van bearing registration No. BR02Q-6059 which has been seized by the Block Supply Officer, Fatehpur in connection with Fatehpur P.S. Case No. 302 of 2018 registered under Section 7 of the Essential Commodities Act, 1955.

Learned counsel for the petitioner submits that the petitioner is concerned only with the Pick-Up Van which has been seized by the police on the allegation that it was loaded with 27.50 quintals of rice which seems to be subsidized rice. One F.I.R. has been lodged in this connection under the provisions of Section 7 of the E.C. Act giving rise to Fatehpur



P.S. Case No. 302/2018.

learned counsel submits that petitioner is the owner of the vehicle. He is not a public distribution shop dealer and moreover rice is not a controlled item. Learned counsel submits that in fact the seizure of the vehicle and the food-grains are only an arbitrary action of the respondents and it is for extraneous consideration.

Learned counsel for the State is present and submits that in this kind of matters this court is granting provisional release of the vehicles considering the fact that rice is not a controlled item. Learned counsel also submits that presently no confiscation proceeding is pending.

In the given facts and circumstances of the case, this court is of the considered opinion that the rice being the non-controlled item, only because the Pick-Up Van in question was found loaded with rice which, according to the Block Supply Officer, looked like subsidized rice, the seizure of the vehicle in question is *prima facie* not justified. However, for the present this court directs the District Magistrate, Gaya to release the vehicle on the petitioner submitting document of ownership and registration along with two sureties to the extent of the vehicle as indicated in the insurance document. The petitioner shall also



furnish an undertaking to the extent that he will produce the vehicle as and when required before the concerned authority and shall not deal with the same during pendency of the criminal proceeding.

Accordingly, this Writ Application stands allowed.

(Rajeev Ranjan Prasad, J)

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