

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15340 of 2018

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Pramod Sahu @ Pramod Sao S/o Sri Lakhan Saw, a resident of Village- Goli,
P.S.- Fatehpur, District- Gaya.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, food & Consumer Protection Department, Govt. of Bihar, Patna
2. The Collector-cum-District Magistrate, Gaya.
3. The Subdivisional Officer, Gaya.
4. The Block Supply Officer, Fatehpur, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate
For the Respondent/s : Mr. AC to AAG5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-02-2019 Heard learned counsel for the petitioner and learned
AC to AAG-5 on behalf of the State.

The petitioner is seeking release of the tractor bearing Chasis No. IVY5039DAJA003593 along with its trailer seized in connection with Fatehpur P. S. Case No. 184 of 2018 registered under Sections 406, 420/34 of the Indian Penal Code and Section 7 of the Essential Commodities Act.

Learned counsel for the petitioner submits that the tractor in question was seized when it was loaded with 7 quintals of wheat, 11 quintals of rice and one quintal of Mung. It is submitted that so far as these items are concerned, they are not controlled items. The petitioner is said to be the owner of the vehicle in question and is ready and willing to abide by the



terms and conditions on which the vehicle may be released in his favour. It is also informed that no confiscation proceeding is pending against the tractor in question.

Learned AC to AAG -5 submits that in the given facts and circumstance, this Court has been passing order of provisional release of the vehicle and the same may be done at this stage without waiting for any counter affidavit.

In the given facts and circumstances of the case, this Court finds that the tractor in question was said to be loaded with Wheat, Rice and Mung which are not controlled items and the petitioner is not an accused in the FIR lodged under Section 7 of the Essential Commodities Act. No confiscation proceeding is also pending against the tractor in question and the tractor is lying under open sky for last about 4 months. Thus, in these circumstances, there is no reason as to why the tractor may remain under seizure for any further period.

This Court, therefore, directs release of the tractor in question on the petitioner furnishing document of ownership and registration in his favour and two sureties to the extent of the value of the vehicle as indicated in the insurance document in the court of learned A.C.J.M. X, Gaya. The petitioner shall also give an undertaking that he will not deal with the vehicle in



question in any manner whatsoever and shall not create any third party right or interest and further as and when required he will produce the vehicle before the competent court or the authority, as the case may be.

The vehicle be released within one week from the date of furnishing the surety and the undertakings as indicated above.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

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