

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4220 of 2019

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Ashok Kumar Singh, Son of Ran Singar Singh, Resident of Anandnagar
Baswari, P.S.-Siwan Muffasil, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department Government of Bihar, Patna
2. The District Magistrate Siwan,
3. The Sub Divisional Magistrate, Sadar, Siwan
4. The District Transport Officer, Siwan
5. The Block Supply Officer, Pachrukhi, District-Siwan
6. The S.H.O. Pachrukhi Police Station, District-Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar
For the Respondent/s : Mr.Arvind Ujjwal (SC4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-05-2019 This writ application has been filed for a direction to the District Magistrate to release the petitioner's vehicle being Bolero Pick Up bearing Reg. No.BR29M5399, Chasis No.MA1ZN2GHKD1C34032 and Engine No.GHD1C26400 in connection with Essential Commodities Act Case No.88 of 2014-15.

Learned counsel for the petitioner submits that presently the confiscation proceeding is pending, however, the final order has not been passed in the same. In the meantime, the petitioner has made an application before the confiscating authority for release of the vehicle but the same has not been



considered. Statement to this effect has been made in paragraph 8 and 9 of the writ application.

In the aforesaid view of the matter, learned counsel for the State submits that this writ application may be disposed off with a direction to the District Magistrate, Siwan (respondent no.2) to consider and dispose of the application preferred by the petitioner for release of the vehicle.

It appears to this Court that the vehicle in question was seized on 26.09.2014. Almost four and half years have passed thereafter and there is every reason to believe that the vehicle must have lost its road worthiness to great extent during this period. It is neither in the interest of the petitioner nor in the interest of State because in ultimate analysis if the State confiscates the property it would not be able to realize the desired value of the vehicle. Such an application was required to be considered by the District Magistrate, Siwan with some urgency.

In the given facts and circumstances of the case, this Court directs the District Magistrate, Siwan to take an appropriate decision on the application of the petitioner for release of the vehicle keeping in mind the principles required to be followed in the matters of release and pass an appropriate



order thereon within a period of 30 days from the date of receipt/production of a copy of this order.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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