

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4165 of 2019

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Prashant Kumar @ Prashant Kumar Agrawal, S/o Vijay Kumar, R/o Rajeev
Nagar, P.S.-Gurgaon, District-Gurgaon

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principle Secretary, Food and Consumer
Protection Department, Bihar, Patna
2. The Collector, Vaishali at Hajipur
3. The Block Supply Officer, Vidupur, District-Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari
For the Respondent/s : Mr.S. Raza Ahmad (AAG5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-03-2019 This writ application has been preferred for a

direction to the respondents to release truck bearing
Reg.No.HR-55M-4876, which has been seized in connection
with Bidupur P.S. Case No.582 of 2018 registered under Section
7 of the Essential Commodities Act.

Learned counsel representing the petitioner submits
that the truck was carrying rice which is not a controlled item.
It is further submitted that in similar matters the Hon'ble
Division Bench has taken a view wherein the vehicles have been
ordered to be released provisionally on certain terms and
conditions. It is submitted that in the present case also the
vehicle is lying under open sky for last more than three months
and if it is not allowed to be provisionally released, it may lose



its road worthiness over the period which is not going to help any gain on the part of the State. Learned counsel further submits that a confiscation proceeding has also been initiated.

Learned counsel for the State is present and has opposed the application for provisional release.

Having considered the rival submissions at the bar and on going through the records, this Court finds that the vehicle in question was intercepted while it was carrying 438 plastic bags containing rice. In several such cases, the Hon'ble Division Bench of this Court has directed provisional release of vehicle and there is no reason as to why similar view would not be taken in the matter.

Keeping in mind the aforesaid aspects, this Court directs provisional release of the vehicle in question 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, Vaishali at Hajipur, where the confiscation proceeding is said to be pending. One of the sureties must be a person having sufficient immovable property within the jurisdiction of the authority concerned. 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 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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