

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4306 of 2019

=====

Sona Goods Carrier Private Limited registered Office- Rohtak Road, P.S.- Gohana, District- Sonipat, State- Haryana, Pin Code 131301 through its power of attorney holder Raveejeet Singh, aged about 39 years, male, Son of Shah Arjan Singh, Resident of House No. 548/13, Gali No.6, Vishnu Nagar, Gohana, District- Sonipat, the petitioner is special power of attorney holder

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supplies Department, Bihar, Patna
2. The District Magistrate, Khagaria
3. The Block Supply Officer, Allouli Block, District- Khagaria

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Ajay Prasad
For the Respondent/s : Mr.Arvind Ujjwal (SC4)

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-03-2019 This writ application has been preferred for a direction to the respondents to release Tata Signa-4923.5 CRBS-IV truck bearing Reg.No.HR-69D-0555, Chasis No.MAT704121JAF14025 and Engine No.81F84491026, Model 2018, which has been seized on 09.10.2018 in connection with Allouli P.S. Case No.359 of 2018 registered under Sections 420 and 467/34 of the IPC and 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 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 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 670 bags containing rice 402 quintals. In several such cases, the Hon'ble Division Bench of this Court has directed provisional release of vehicle, one of such orders is Annexure-6 to the writ application 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



S.D.J.M., Khagaria. One of the sureties must be a person having sufficient immovable property within the jurisdiction of the court below. 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)

arvind/-

U			
---	--	--	--

