

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5625 of 2019

1. Nilesh Kumar Singh, Son of Late Sri Nivas Singh, Resident of Vijay Nagar, Ward No.20, P.S.-Banka, District-Banka.
2. Amresh Kumar Pandey, Son of Murlidhar Pandey, Resident of Village-Sukatiya Bazar, P.S.-Gopalpur, District-Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector, Banka
3. The Block Supply Officer, Shambhuganj, Banka

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-03-2019 This writ application has been preferred for a direction to the respondents to release Pick-up Van bearing Reg.No.BR-51G-1775 (wrongly mentioned in the FIR as BR-51G-1755), which has been seized in connection with Shambhuganj P.S. Case No.261 of 2018 registered under Section 7 of the Essential Commodities Act.

Learned counsel representing the petitioners submits that the Pick-up Van was carrying wheat 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 four 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 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 100 bags containing wheat. 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 petitioners 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 learned S.D.J.M., Banka. The petitioners shall also furnish an undertaking that they 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 petitioners 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)

R.R.Ojha/-

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