

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4760 of 2019

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Sri Bhagwan Singh @ Bhagwan Singh, S/o Sri Dhanukdhari Singh, Resident
of Village- Bazar Samiti, P.S.- Buxar (Town), District- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Food and Consumer
Protection Department, Bihar, Patna
2. The Collector, Buxar
3. The Block Supply Officer, Buxar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. D.N. Tiwary, Adv. Mr. Anil Kumar Roy, Adv
For the Respondent/s	:	AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-03-2019 This writ application has been preferred for a

direction to the respondents to release Tractor with Trailor
bearing Reg.No.BR44G/8346, which has been seized in
connection with Buxar (Town) P.S. Case No.274 of 2018
registered under Section 7 of the Essential Commodities Act and
Section 3 of National Food Security Act.

Learned counsel representing the petitioner submits
that the vehicle in question 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 six 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 61 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 learned SDJM, Buxar. 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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