

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6142 of 2019

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Babbu Kumar Sah, S/o Late Jhaman Sah, Resident of Chakbarisal, P.S.-
Patepur, District- Vaishali.

... .. 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 Patepur, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Adv.
For the Respondent/s : Mr.U.P. Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-04-2019 Learned counsel for the petitioner is permitted to

make necessary correction in paragraph 1 of the writ application

in course of the day.

This writ application has been preferred for a
direction to the respondents to release Mini Truck bearing
Reg.No.BR06G-7652, which has been seized in connection with
Patepur P.S. Case No.31 of 2019, registered under Section 7 of
the Essential Commodities Act.

Learned counsel representing the petitioner submits
that the Mini 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 two 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 71 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 ACJM-X, Vaishali at Hajipur. 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)

R.R. Ojha/-

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