

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6206 of 2019

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Ranjeet Kumar Sah @ Ranjit Sah, Son of Late Mahadeo Sah, Resident of
Village Shahkund, P.S.- Shahkund, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Bihar, Patna.
2. The District Magistrate Bhagalpur.
3. The SHO, Sultanganj Police Station, District Bhagalpur.
4. The Block Supply Officer Sultanpur, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar
For the Respondent/s : Mr.Arvind Ujjwal (SC4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 26-06-2019 This case was fixed for 15th May, 2019 giving an opportunity to the respondents to file a counter affidavit with clear indication that in case the counter affidavit is not filed within the given period, the matter shall be heard and disposed off on the next date.

No counter affidavit could be filed within the time granted by this Court. In fact more than one month expired thereafter but even that has not been availed by the respondents to place on record their stand. Learned AC to SC-4 has in the circumstances submitted that the writ application may be disposed off on the basis of the averments made in the writ application.



Petitioner in the present case is seeking release of Pick-up Van bearing Reg. No. JH04G-1675, which has been seized in connection with Sultanganj P.S. Case No.215 of 2018 registered for the offence under Section 7 of the Essential Commodities Act.

Learned counsel for the petitioner submits that the petitioner had made an application earlier before the Sub-Divisional Officer, Bhagalpur for release of the Pick-up Van, but the same was rejected vide order dated 06.02.2019. It is submitted that one confiscation proceeding has been initiated being E.C.6A Case No.143 of 2018-19 which is still pending.

Petitioner claims that he is owner of the vehicle and was simply carrying the rice booked by the owner of the rice. The rice was kept in a sealed bag and the petitioner had no occasion to know the purpose of transportation of rice.

In the given facts and circumstances of the case, this Court finds that the vehicle in question was seized on 02.09.2018 and till date confiscation proceeding is pending which is not likely to be disposed of in near future, continued seizure of the vehicle and the keeping the same under open sky is only rendered the vehicle useless and over a period junk which would not be in the interest of either parties. It will also



be a case of gross injustice if the vehicle is not allowed to be released only because one FIR has been lodged alleging that the vehicle was carrying rice which is not a controlled item. The respondents have failed to place any cogent reason to oppose the application.

This Court, therefore, directs the District Magistrate, Bhagalpur to release the pick-up van bearing Reg. No.JH04G-1675 in favour of the petitioner on the petitioner's furnishing proof of ownership of the vehicle with two sureties to the extent of the value of the vehicle as indicated in the insurance document. Since the vehicle bears registration of the State of Jharkhand, in order to protect the interest of the State, this Court directs that one of the sureties would be a local person having sufficient immovable property. On compliance of the conditions aforementioned the vehicle shall be released within one week.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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