

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8689 of 2019

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Kamal Yadav S/o Jhoru Yadav, R/o Mubariya (Rahua), P.O. and Distt.-
Lakhisarai Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil supply, Govt. of Bihar, Patna
 2. The District Magistrate Cum Collector Lakhisarai
 3. Superintendent of Police, Lakhisarai
 4. Sub Divisional Officer, Lakhisarai
 5. Block Supply Officer, Suryagarha
 6. Officer-in-charge of Kajra P.S.- Kajra, Distt.- Lakhisarai
- Respondents

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Appearance :

For the Petitioner/s : Mr.Jainendra Kumar, Advocate
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

- 2 27-06-2019 Learned counsel for the petitioner submits that after the order dated 21.01.2019 was passed by a learned Co-ordinate Bench of this Court in C.W.J.C. No. 109 of 2019, the petitioner has filed an application for release of the vehicle in question before the District Magistrate-cum-Collector, Lakhisarai (Respondent No. 2) but the said application is still pending. In this regard attention of this Court has been drawn towards the statement made in paragraph '10' of the writ application wherein although the petitioner has made a statement that he has filed an application for release of vehicle which is pending and has not been heard. It is not clearly stated that the said application has been filed before the District Magistrate,



Lakhisarai, (respondent no. 2) but on the face of a substantial statement in Paragraph '10' this Court is willing to accept the statement made at the Bar on behalf of the petitioner saying that the application is pending before the District Magistrate, Lakhisarai (Respondent No. 2).

In the given facts and circumstances of the case, the District Magistrate, Lakhisarai is directed to pass an appropriate order on the application preferred by the petitioner seeking provisional release of the vehicle in question on such condition/(s) as he may deem fit and proper in the light of various judicial pronouncements of this Court in the matter of release of vehicles seized in the cases registered under the Essential Commodities Act, 1955.

Let the consideration be given and order be passed on the same within a period of 30 days from the date of receipt/production of a copy of this order which must be communicated to the petitioner immediately thereafter.

This writ application stands disposed of with the aforesaid directions.

(Rajeev Ranjan Prasad, J)

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