

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8831 of 2019**

=====

Parmila Devi W/o Mangal Prasad Pandey Resident of Village- Bhumihara,  
Post- Parmanandpur, P.S.- Shambhuganj, District- Banka.

... .. Petitioner

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, Advocate  
For the Respondent/s : Mr. U. P. Singh AC to SC 4

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      07-11-2019                      Heard learned counsel for the petitioner and learned  
counsel representing the State.

Learned counsel for the petitioner submits that earlier vide order dated 27.03.2019 passed in C.W.J.C. No. 5625 of 2019, this court has already directed provisional release of one of the vehicles seized in connection with Shambhuganj P.S. Case No. 261 of 2018 registered under Section 7 of the Essential Commodities Act. Learned counsel submits that this petitioner had, under some legal advice, filed a criminal writ application for the same relief with respect to her vehicle bearing no. BR10G-3155. A learned co-ordinate Bench of this Court while hearing Cr.W.J.C. No. 3380 of 2018 preferred by this petitioner took a view that the petitioner may file a civil writ application.



Liberty has been granted to the petitioner vide Annexure '1' to the writ application.

Learned counsel submits that even though in the changed view after the Hon'ble Full Bench judgment of this Court, this Court has been directing the petitioner first to move an application for provisional release of the vehicle before the confiscating authority, in the facts of the present case where similarly situated person has been granted relief and the petitioner has moved this writ application after getting a liberty from the learned co-ordinate Bench of this Court, if the petitioner is relegated to the alternative remedy, at this stage, it will be causing some hardship to the petitioner and therefore, this Court may consider her prayer for provisional release of the vehicle being similarly situated to the petitioner of C.W.J.C. No. 5625 of 2018.

Learned counsel for the State is present and having appreciated the distinction made by learned counsel for the petitioner does not take any serious objection to the passing of the order in terms of the order dated 27.03.2019 in C.W.J.C. No. 5625 of 2018.

In the given facts and circumstances of the case, this Court directs the Collector, Banka with whom the Confiscation



Proceeding being Confiscation Case No. 513/2018-19 is said to be pending to provisionally release the vehicle in question (Pick-up) bearing No. BR10G-3155 on the petitioner furnishing documents of ownership and registration with two surety bonds to the extent of the value of the vehicle as indicated in the insurance document to his satisfaction. The petitioner shall also furnish an undertaking that she will produce the vehicle as and when required by the confiscating authority and shall not encumber the same in any manner whatsoever by creating any third party right or interest.

The vehicle in question shall be released within one week from the date of submission of surety bonds and undertaking as stated hereinabove.

The application stands allowed.

**(Rajeev Ranjan Prasad, J)**

avin/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

