

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15623 of 2018

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Shaligram Yadav S/o Late Rameshwar Yadav, resident of Village- Bairisal,
Police Station- Katoria, District- Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar through the District Magistrate, Banka
2. The District Magistrate, Banka.
3. The Block Supply Officer, Belhar, P.S.- Belhar, District- Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate
For the Respondent/s : Mr. AC to SC 4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-02-2019 Heard learned counsel for the petitioner and learned

AC to SC-4 on behalf of the State.

The petitioner is seeking release of the Truck bearing registration no. BR10GA-3969 seized in connection with Belhar P. S. Case No. 299 of 2016 registered under Section 7 of the Essential Commodities Act.

Learned counsel for the petitioner submits that the Truck in question was seized when it was loaded with 205 bags of rice. It is submitted that the rice is not a controlled item. The petitioner is said to be the owner of the vehicle in question and is ready and willing to abide by the terms and conditions on which the vehicle may be released in his favour. It is also informed that confiscation proceeding is pending against the Truck in question.



Learned AC to SC-4 submits that in the given facts and circumstance, this Court has been passing order of provisional release of the vehicle and the same may be done at this stage without waiting for any counter affidavit.

In the given facts and circumstances of the case, this Court finds that the Truck in question was said to be loaded with Rice which is not a controlled item and confiscation proceeding is pending against the Truck in question and the Truck is lying under open sky for more than two years. Thus, in these circumstances, there is no reason as to why the Truck may remain under seizure for any further period.

This Court, therefore, directs release of the Truck in question on the petitioner furnishing document of ownership and registration in his favour and two sureties to the extent of the value of the vehicle as indicated in the insurance document before the District Magistrate, Banka. The petitioner shall also give an undertaking that he will not deal with the vehicle in question in any manner whatsoever and shall not create any third party right or interest and further as and when required he will produce the vehicle before the competent court or the authority, as the case may be.

The vehicle be released within one week from the



date of furnishing the surety and the undertakings as indicated above. This would, however, be subject to the final order passed in confiscation proceeding.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

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