

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14655 of 2018

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Baby Devi @ Bebi Devi Wife of Prayag Rai, resident of Village- Alekhi Tola,
P.S.- Barhara, District- Bhojpur (Ara).

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supplies,
Government of Bihar, Patna.
2. The District Magistrate, Bhojpur at Ara.
3. The Superintendent of Police, Bhojpur at Ara.
4. The Deputy Superintendent of Police, Ara, Bhojpur.
5. The Station House Officer, Ara Nagar, Bhojpur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Respondent/s : Mr. AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 03-05-2019 This writ application has been preferred seeking

release of Mahindra Pick-up Van (DLV Van) bearing

Registration No. BR03K 1268, Chasis No.

MAIZN2GHKCIB18933, Engine No. GHC1B13654 which has

been seized in connection with Ara Nagar P.S. Case No. 373 of

2017 dated 12.07.2017 instituted for the offences committed

under Section 7 of E.C. Act, 1955.

It is the specific case of the petitioner in the writ
application that no confiscation proceeding has been initiated by
the District Magistrate, Bhojpur at Ara, however, the District
Supply Officer, Bhojpur has filed a counter affidavit in which he



has submitted that a confiscation proceeding bearing Rev. Misc. Case No. 5 of 2018 dated 08.05.2018 has been initiated and considering the perishable nature of the fertilizer, an order was passed by the respondent no. 2 directing the District Agriculture Officer, Bhojpur to sell the fertilizer and deposit the money in the account of the exchequer.

It is also submitted in the counter affidavit that the confiscating authority has also sought for information with regard to the owner of the vehicle who may be served with the notice with regard to the confiscation proceeding.

Learned counsel for the State submits that since the petitioner has now notice of confiscation case already initiated by the respondent no. 2, he may file an appropriate application before the respondent no. 2 for release of the vehicle in question.

After going through the statements made in the counter affidavit, this Court finds that the confiscation proceeding has already been initiated, thus, the petitioner has remedy available by filing an appropriate application before the District Magistrate, Bhojpur at Ara (respondent no. 2) under the provisions of the Essential Commodities Act, 1955 for release of the vehicle in question. If the petitioner prefers such an



application within the period of 30 days from today, respondent no. 2 shall consider the same and will dispose off the same within another 30 days from the date of filing of the application and while doing so the respondent no. 2 shall keep in mind the judicial pronouncement on the subject as also that the vehicle is lying under seizure for about 2 years by now and with every passing day it is likely to lose it's road worthiness which is neither in the interest of petitioner nor in the interest of the State.

The writ application stands disposed off.

(Rajeev Ranjan Prasad, J)

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