

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19122 of 2018**

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Sanjeev Kumar Arora S/o Late Govind Lal Arora, Resident of C-8, II Floor, Panchwati, Azadpur, North West Delhi, N.S. Mandi, P.S. Adarsh Nagar, Town and District Delhi New Delhi- 110033 Partner of Time 2 Time Movers and Cargo LLP, Gurana Rd. Barout, Bagpat UP.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt.of Bihar,Patna
2. The Collector-cum- District Magistrate, Nalanda.
3. The Block Supply Officer, Biharsharif, Nalanda.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. N. K. Agrawal, Sr. Advocate<br>Mr. Dhananjaya Nath Tiwari, Advocate<br>Ms. Preety Kunwar, Advocate |
| For the Respondent/s | : | Mr. AC to SC4                                                                                          |

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

3      14-02-2019                      Heard learned Senior 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. UP17AT-4614 seized in connection with Laheri P. S. Case No. 199 of 2018 registered under Section 7 of the Essential Commodities Act.

Learned Senior Counsel for the petitioner submits that the vehicle in question was seized when it was found inside the godown from where 325 bags of rice was seized. It is submitted that the rice is not the controlled items. 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 before the respondent no. 2.

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 found inside the godown from where 325 bags of rice was seized which is not the controlled items. Confiscation proceeding is pending against the Truck in question and the Truck is lying under open sky for last about 5 months. 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 Collector-cum-District Magistrate, Nalanda. 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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