

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4877 of 2020

=====

Sumesh Jain Son of Ramkaran Jain Resident of House No. DM-256,
Chulkana Road, Ward No. 13, Samalakha (Rural Part) (77), District- Panipat,
Haryana-132101.

... .. Petitioner/s

Versus

1. The State of Bihar Through Additional Chief Secretary, Home Department,
Bihar, Patna.
2. The District Magistrate-cum- Collector Darbhanga.
3. The Sub Divisional Officer Sadar, Darbhanga.
4. The In-charge Officer Sadar Police Station, Darbhanga.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Raushan
For the Respondent/s : Mr.Md.N.H.Khan (Sc1)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 13-07-2020

Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner has prayed for the following relief:-

“(i) Issuance of a direction, order or writ, including writ in
the nature of mandamus commanding the concerned
respondent authorities to release vehicle/truck bearing
registration number HR 67B 3839 belonging to the
petitioner that has been seized in connection with Case No.
201/2019 arising out of Sadar PS (Mobi) Case No. 293 of
2019 under Section 7 of Essential Commodities Act.”

On a written application of Block Supply Officer,
Darbhanga Sadar, FIR was lodged giving rise to Sadar PS



(Mabbi O.P.) Case No. 293 of 2019, in which it is alleged that 328 bags of rice each weighing 50 Kg which was kept for black marketing were recovered from the truck and thereafter truck and rice both were seized for which FIR was registered under Section 7 of Essential Commodities Act.

Petitioner claims to be the owner of the truck who preferred an application dated 26.08.2019 in the court of CJM Darbhanga for release of seized vehicle for which a report was called for from Officer-in-charge of Sadar PS (Mabbi O.P.) and District Magistrate, Darbhanga and Officer in charge of PS submitted his report but no report was submitted by District Magistrate, Darbhanga. It is further submitted that Confiscation Case No. 201 of 2019 is pending before District Magistrate, Darbhanga in which petitioner appeared and filed his show cause and also prayed to release his vehicle but no step was taken for provisional release of the vehicle.

The writ petition is disposed of with a direction to the District Magistrate, Darbhanga, to provisionally release the seized truck which is liable for confiscation under E.C. Act in favour of petitioner after due identification and presentation of ownership papers and upon furnishing bank guarantee of the value of insured amount of the seized truck within 7 days from



the date of furnishing of bank guarantee.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

