

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9582 of 2020

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Urmila Devi @ Urmila, Wife of Hawa Singh, Resident of H. No. 211, VPO
DABRA TEH HISAR, Police Station- Hisar, District- HISSAR (HARYANA),
Pin Code- 125113.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection
Department, Government of Bihar, Patna.
2. The Collector, Banka.
3. The Superintendent of Police, Banka.
4. The Block Supply Officer, Belhar, Banka.
5. The Officer-in-Charge, Belhar Police Station, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.

For the Respondent/s : Mr. Vivek Prasad, G.P. 7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 22-12-2020

The proceedings of the Court are being conducted
through Video Conferencing and the Advocates joined the
proceedings through Video Conferencing from their residence.

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

Petitioner has prayed for following relief:-

“That this petition is being
filed for issuance of appropriate
writ/writs, order/orders,



direction/directions especially in the nature of 'Mandamus' for commanding the respondents to release the seized Truck bearing Registration No. HR39C-8545, Engine No. 41C63366383, Chassis No. MAT447224E63C05219 Marker & Model No. LPS 4018TCBS111 in favour of the petitioner who is owner of this offended vehicle which has been seized on 03.07.2019 and being subjected to confiscation proceedings through Confiscation Case No. 341 of 2019-20 in connection with Belhar Police Station Case No. 199 of 2019 instituted under Section 7 of the Essential Commodities Act.”

Petitioner claims to be the owner of the seized vehicle which has been seized on 03.07.2019 in Belhar P.S. Case No. 199 of 2019 instituted under Section 7 of the E.C. Act. Confiscation proceeding being confiscation case no. 341 of 2019-20 has been initiated by the Collector, Banka and confiscation proceeding is pending in the court of Collector, Banka.

It is submitted that seized truck is a public carrier and has All India Permit to carry goods from one place to another place on hire and allegation is recovery of 313 quintals of rice



packed in Jute and plastic bags for purpose of black marketing.

It is submitted that no purpose will be served by keeping the seized truck in police station premises where it will be subject to wear and tear, as such, the District Collector, Banka is directed to provisionally release the seized truck in favour of petitioner after her due identification and production of registration certificate and ownership documents in her name and upon furnishing bank guarantee of the value of insured amount of the truck and same to be provisionally released within seven days from the date of furnishing of bank guarantee and usual undertaking and terms and conditions as imposed for provisional release of vehicle during confiscation proceeding.

With aforesaid observation and direction, the writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.01.2021
Transmission Date	NA

