

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1683 of 2019

Arising Out of PS. Case No.-257 Year-2018 Thana- BELHAR District- Banka

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NARESH @ NARESH KUMAR

... .. Petitioner/s

Versus

STATE OF BIHAR THROUGH PRINCIPAL SECTT. DEPTT. OF FOOD
AND CONSUMER PROTECTION PATNA

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Respondent/s : Mr.Arvind Ujjwal

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

C.A.V. JUDGMENT

Date : 19-02-2020

Heard learned counsel for the petitioner and the
State.

Petitioner seeks quashing of the order dated
05.03.2019, passed by Sub Divisional Judicial Magistrate,
Banka in Belhar P.S. Case No. 257 of 2018 (Annexure-3),
whereby and whereunder the petition filed by the petitioner
for release of his Trucks bearing Registration No. HR 69C-
7477, Engine No. 8592303061 E 6352334, Chasis No.
MAT704008G3E13036 and HR69C-0128, Engine No.
E624CDJB192211, Chasis No. MC2T6DRCOJB007115, has
been disallowed.

Learned counsel for the petitioner submits that
the Trucks in question were seized when it were loaded with



580 packets and 70 packets of Arwa Rice. It is submitted that the rice is no a controlled item. The petitioner is the owner of the vehicles in question and is ready and willing to abide by the terms and conditions on which the vehicles may be released in his favour. It is further informed that no confiscation proceeding has yet been initiated.

Learned counsel appearing for the State submits that in the given facts and circumstances, this Hon'ble Court has been passing order for provisional release of the vehicle.

In the given facts and circumstances of the case, this Court finds that the Trucks in question were said to be loaded with Rice which is not a controlled item and the confiscation proceeding has not yet been initiated and the vehicles are lying under open sky for more than a year. Thus, in these circumstances, there is no reason as to why the Trucks may remain under seizure for any further period.

This Court, therefore, directs release of the Trucks in question on the petitioner furnishing documents 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 Sub Divisional Judicial Magistrate, Banka. The petitioner shall also give an



undertaking that he will not deal with the vehicles 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 vehicles before the competent Court or the authority, as the case may be.

The vehicles 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 outcome of the confiscation proceeding, if any.

The application stands disposed of with the above observations/directions.

(Arvind Srivastava, J)

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CAV DATE	
Uploading Date	
Transmission Date	

