

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11491 of 2021

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Gulshan Kumar, S/o Late Paswan Singh, Resident of Nagar Prasad Bihat,
Ibrahimpur, P.S. - Barauni, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Food and Consumer Protection
Department, Government of Bihar, Patna.
2. The Collector, Lakhisarai.
3. The Block Supply Officer, Suryagarha, District- Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondent/s : Mr.Lalit Kishore (A.G.)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

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

Date : 07-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“1. That this writ petition is being filed on behalf of the petitioner for direction to release the Pick-up-van of the petitioner bearing Registration No. BR09M-6159, Chesis No.- MAT524001DRJ07245, Engine No.- 497SPTC43JWY644933 in connection with Suryagarha P.S. Case No. 06 of 2021 under section 7 of the E.C. Act giving rise to Confiscation Case No. 06/2021 to the satisfaction of learned Collector, Lakhisarai on such term/terms as this Hon’ble Court deems fit and proper subject to result of criminal case and the confiscation case and/or on deposit of price on protest of 21 bags of rice each of 50 Kg. to the learned Collector, Lakhisarai in terms of Section 6-(i) of the E.C. Act.”

It is submitted that 11 quintals rice was recovered
from the seized vehicle and the rice was being loaded by one

Chandan Kumar.

Petitioner claims to be the owner of the seized vehicle. It is further submitted that confiscation proceeding has been initiated.

In the facts and circumstances of the case, concerned District Magistrate/Confiscating Authority is directed to provisionally release the vehicle of petitioner after due identification of ownership of the vehicle on production of ownership and registration papers with respect to vehicle in question in his name with two sureties (one local) to the extent of the value of the vehicle as indicated in the insurance document.

The petitioner while submitting the sureties shall also furnish the following affidavits/undertakings:

- (i) That the petitioner shall not indulge in creating any third party right or interest in respect of the vehicle during the pendency of the confiscation proceeding and shall not alienate the vehicle during this period.
- (ii) The petitioner shall furnish an undertaking to produce the vehicle before the confiscating authority as and when

required.

(iii) Prior to release of the vehicle, a Panchanama would be prepared wherein the photograph of the vehicle shall be taken and will be certified by the petitioner and same shall be kept on record so that in future if so required, it may be used as a secondary evidence. The petitioner shall furnish an undertaking not to challenge the said Panchanama.

The release shall be allowed within a period of 14 days from the date of submission of the sureties and the undertakings as stated above, which would however be subject to finalization of the confiscation proceeding.

With said observations, this writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

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