

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 16601 of 2021

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Shiv Shankar Kumar, Son of Pravin Saw, Resident of Village-Rampur, P.O.-
Mananpur, P.S.-Chanan, District-Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna.
2. The District Magistrate, Lakhisarai.
3. The Superintendent of Police, Lakhisarai.
4. The Sub Divisional Officer, Lakhisarai.
5. The Block Supply Officer, Lakhisarai.
6. The Officer in Charge, Lakhisarai P.S., District-Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Rabi Bhushan, Advocate
For the Respondent/s : Mr S Raza Ahmad, AAG V

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CORAM: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH)

Date : 22-04-2022

This case has been taken up for online hearing through
video-conference because of COVID 19 pandemic restrictions.

2 The petitioner claims to be owner of Mahindra Bolero
Maxi (Pickup Van) bearing Registration No BR – 53G – 2122,
which has been seized in connection with Lakhisarai Police
Station Case No 337 of 2021 registered for the offence punishable



under Section 7 of the Essential Commodities (for brevity, *EC*) Act.

3 It appears that a confiscation proceeding has been initiated for confiscation of the vehicle, which is pending before the District Magistrate, Lakhisarai.

4 Learned counsel for the petitioner has submitted that the petitioner has appeared before the District Magistrate in the confiscation proceeding. This writ application has been filed seeking direction to the respondents to release the said vehicle.

5 Apparently, confiscation proceeding is pending in which the petitioner has appeared. There is no averment in the writ petition as to whether the petitioner has made any application before the Confiscating Authority for provisional release of the vehicle under Section 6-A (6) of the EC Act which reads as under:

***“6-A. Confiscation of foodgrains,
edible oilseeds and edible oils.-***

(1)

(2)

(3)

(4)

(5)

(6) Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973 (Act II of 1974) when Collector or the appellate authority is seized with the matter under this Section no court shall entertain any application in respect of essential commodities, any package, covering, receptacle, any animal, vehicle or other conveyance used in carrying such



commodities as far as its release, distribution etc is concerned and the jurisdiction of Collector or the appellate authority with regard to the disposal of the same shall be exclusive.”

...

6 In such view of the matter, this writ application is disposed of with a liberty to the petitioner to approach the Confiscating Authority for provisional release of the vehicle under the aforesaid provision.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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