

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5031 of 2023

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Raja Kumar S/o Mukhi Mahto Resident of Vill.- Samho Ozan Tola, P.S.-
Samho, Dist.- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Begusarai.
3. The Superintendent of Police, Begusarai.
4. The Officer In-charge- Samho Police Station Cum I.O. of the Samho, P.S.
Case No.- 16/19, Samho, Begusarai.
5. The Circle Officer Cum Marketing Officer, Block- Samho, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey
For the Respondent/s : Mr. Md. Nadim Seraj (Gp 5)

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL JUDGMENT

Date : 22-08-2023

1. The present writ petition has been filed for the

following reliefs:-

“(a) For issuance of appropriate writ in the nature of mandamus commanding and directing the respondent authorities to release to the goods carrier vehicle of the petitioner bearing Reg. No.- BR-09A-7072 by quashing the order passed by the District Magistrate, Begusarai dated 04/10/2021, considered in appeal but not interfered by the court of learned Additional session Judge,-I Begusarai by order dated 06.12.2022, where by and where under the learned District Magistrate, Begusarai has directed for the auction of Vehicle of the petitioner in connection with Cri. Misc. (confiscation) case No.122 /2019 arising out of Samho PS Case No. 16/2019 registered under section 7 of Essential Commodities Act, where under the vehicle of the petitioner bearing Registration Number BR 09A 7072 was seized under section



6A of the Essential Commodities Act. The case is presently pending before the District Magistrate, Begusarai.

(b) For the issuance of the writ on the nature of the prohibition directing and Restraining the Respondent Authorities from using / auction of the aforesaid seized vehicle Bearing Registration No.- BR 09A 7072 by the Respondents in shape of disposal by way of the entrustment etc. to any other person in exercise of the powers under the Essential Commodities Act until the petitioners Right to possess/sale or use is not adjudicated.

(c) For the issuance of any other Relief/Reliefs to which the petitioner may found entitled to in the facts and circumstances of the present case.”

2. Learned counsel appearing on behalf of the petitioner has stated that under similar circumstances this Court in CWJC No. 4888 of 2009 dated 30.04.2009 and CWJC No. 20571 of 2013 dated 26.11.2013 has directed the concerned District Magistrate to release the food grains and also the vehicle that was seized from the petitioner therein. Learned counsel has further stated that the petitioner is similarly situated and is ready to furnish adequate security/surety for the purpose of release of vehicle as per the direction of the District Magistrate, Begusarai. Further, it is submitted that the confiscation proceedings are in the nature of civil proceedings and it is ultimately the sale proceedings of the confiscated property that will go into the account of the State and the petitioner is ready and willing to provide adequate



securities/sureties. Therefore, the District Magistrate, Begusarai, may be directed to release the vehicle in favor of the petitioner subject to any conditions that may be imposed.

3. Learned counsel appearing on behalf of the respondents has stated that in case the petitioner is ready to provide adequate securities/sureties and abide by the terms and conditions that may be imposed by the District Magistrate, Begusarai, he has no objection if this Court directs the District Magistrate, Begusarai to release the vehicle in favor of the petitioner subject to the petitioner providing adequate securities/sureties to the extent of the value of the vehicle and also subject to the petitioner abiding by other terms and conditions that may be imposed by the District Magistrate, Begusarai.

4. Having regard to the above made submissions and the judgments of this Hon'ble Court referred above, this Court directs the District Magistrate, Begusarai to release the seized vehicle of the petitioner in connection with Samho P.S. Case No. 16 of 2019, which are subject matter of the present writ petition, subject to the condition that the petitioner shall make available adequate and sufficient securities/sureties (not in cash or bank guarantee) to the satisfaction of the District Magistrate, Begusarai to the extent of the value of the vehicle which may be assessed. The petitioner



shall undertake to abide by any other condition that may be imposed by the District Magistrate, Begusarai for the purpose of future proceedings.

5. Learned counsel for the petitioner undertakes on instruction from the petitioner that if the vehicle is released in his favor, in course of trial, he will not raise any question with respect to the seizure of the vehicle and no identification issue shall be raised in course of trial.

6. Let the District Magistrate, Begusarai pass an appropriate order after valuation of the vehicle and other conditions to which the petitioner would be required to abide by. Such orders be passed within two weeks from the date of receipt/communication of this order.

7. With the above reasons, the present writ petition stand disposed off.

(A. Abhishek Reddy, J)

Ayush/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.08.2023.
Transmission Date	N/A

