

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10643 of 2023**

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Tara Devi, Wife of Late Awadh Kishore Mandal, Resident of Saitpura Kulkuliya, Post- Kahalgaon, Colgong, P.S.- Kahalgaon, District- Bhagalpur, Bihar-813203.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Bhagalpur.
3. The Sub Divisional Officer, Kahalgaon, Bhagalpur.
4. The Block Supply Officer, Block, Kahalgaon, Bhagalpur.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. N. K. Agrawal, Sr. Adv.<br>Mr. Kumar Rajdeep, Adv.<br>Mr. Diksha Kumari, Adv |
| For the Respondent/s | : | Mr. Alok Ranjan, APP                                                             |

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

**Date : 09-10-2023**

Heard the parties.

2. The present writ petition is filed by the petitioner seeking a direction from this Court to direct the respondents to release the truck bearing registration no. JH-02-K-1091.

3. Learned counsel for the petitioner has stated that the husband of petitioner, who died on 20.10.2019, was the owner of the vehicle and her husband's truck was engaged for the purpose of transporting the Oosana rice. That during its onward journey the truck was seized by the official respondents



on the ground that the transported rice was precious rice meant for public distribution system (PDS). The driver of the vehicle has given the name of the husband petitioner as the owner of the vehicle and a case was booked under Section 6(A) of the Essential Commodities Act bearing Case No. 128/2019-20 for the seized rice. Learned counsel has stated that the petitioner is not concerned with the seized rice as he is not the owner of the same, but, only concerned with the release of the vehicle which was let out on hire.

4. Learned counsel for the petitioner has relied on the judgment of this Hon'ble Court in C.W.J.C. No. 697 of 2022 and his contention is that under similar circumstances this Hon'ble Court was pleased to release the vehicle by imposing some condition.

5. Learned counsel for the respondents has vehemently opposed the very maintainability of the writ petition and has stated that the vehicle of the petitioner was involved in an illegal transportation of public distribution system rice. That the same was subject matter of the case which was booked under the Essential Commodities Act and also a criminal complaint was lodged with Kahalgaon Police Station, bearing case no. 475 of 2019, registered on 23.07.2019 under Section 7



of the Essential Commodities Act and therefore, prayed to dismiss the present C.W.J.C.

6. A perusal of the judgment relied by the learned counsel for the petitioner in C.W.J.C. No. 697 of 2022 reveals that under similar circumstances a Hon'ble Single Judge of this Court was pleased to order for release of the vehicle relying on an earlier judgment of the Hon'ble High Court in C.W.J.C. No. 16455 of 2014 and also a judgment of this Court reported in **2020(4) BLJ, 50 (Vijay Shah Vrs. State of Bihar & Ors.)** wherein the District Magistrate was directed to pass necessary orders for the release of the vehicle by imposing certain conditions.

7. Having regard to the same, this Court directs the Collector-cum-District Magistrate, Bhagalpur, (Respondent No. 2) to pass necessary orders for release of the vehicle, bearing registration no. JH-02-K-1091 subject to the satisfaction of the Collector-cum-District Magistrate, Bhagalpur, and the petitioner undertakes to abide by any conditions that may be imposed by the Collector-cum-District Magistrate, Bhagalpur, for the purpose of future proceedings. The petitioner shall make available the adequate and sufficient security/surety (not in cash and by guarantee). The Collector-cum-District Magistrate,



Bhagalpur, shall pass necessary order for release of the vehicle and impose any conditions that he may deem fit and proper for releasing the vehicle and the petitioner shall be required to abide by the same.

8. The Collector-cum-District Magistrate, Bhagalpur, is directed to pass necessary orders within a period of two weeks from the date of receipt/communication of this order.

9. With the above direction, the writ application is disposed off accordingly.

**(A. Abhishek Reddy , J)**

Bhardwaj/-

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