

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12977 of 2023

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S. K Iunus, Son of Late Madiya Haji, Owner of Vechile WB 31-7360,
Resident of D. Badhia, Mirgoda, Ramnagar, P.S.- Ramnagar, P.S.- Ramnagar,
District- Purba Medinipur (West Bengal-721446).

... .. 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, Sultanganj, Bhagalpur.
4. The Block Supply Officer, Block, Sultanganj, Bhagalpur.
5. The SHO, Akbarnagar, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Kumar Rajdeep, Adv.
For the Respondent/s	:	Mr. S. Raza Ahmad (AAG 5)

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

3 16-10-2023 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. WB 31-7360.

3. Learned counsel for the petitioner has stated that the petitioner is owner of the vehicle and the petitioner was engaged for the purpose of transporting the rice and during its onward journey the same 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 petitioner as the owner of the vehicle



and a case was booked under Section 6(A) of the Essential Commodities Act against the petitioner with bearing Case No. 127 of 2022-23 arising out of Akbarnagar P.S. Case No. 62 of 2022 registered on 03.07.2022. 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 conditions.

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 and the same was subject matter of the case which was booked under the Essential Commodities Act and also a criminal complaint was lodged against the petitioner with Akbarnagar P.S. Case No. 62 of 2022 registered on 03.07.2022 under Section 7 of the Essential Commodities Act and the authority concerned initiated a confiscation proceeding under Section



6(A) of the Essential Commodities Act bearing Case No. 127 of 2022-23 on 05.01.2023.

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 release 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 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 order for release of the vehicle, bearing registration no. WB 31-7360 subject to the satisfaction of the Collector-cum-District Magistrate, Bhagalpur, and undertake 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



condition that he may deem fit and proper before 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)

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