

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17851 of 2023**

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Gulam Haidar @ Pappu son of Badre Alam, Resident of Village Khutauna,  
P.O. Khutauna, P.S. Khutauna, District-Madhubani.

... .. 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, Madhepura.
3. The Sub Divisional Officer, Udakishunganj, Madhepura.
4. The Block Supply Officer, Block Udakishunganj, Madhepura.
5. The SHO, Udakishunganj, Madhepura.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. N.K. Agrawal, Senior Advocate with  
Mr. Kumar Rajdeep, Advocate.

For the Respondent/s : Mr. Mahendra Prasad Verma, AC to SC-20.

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

2      21-12-2023                      Heard learned counsel for the parties.

2. The present Writ Petition has been filled for the  
following reliefs:-

*“i. For issuance of appropriate writ in the nature of Mandamus directing the Collector-Cum-District Magistrate, Madhepura and the respondent authority to release immediately the Vehicle in favour of the petitioner bearing Registration No. BR 11GB 7691 seized in connection with a case u/s 7 E.C Act being 6A Case no.14/2022 arising out of Udakishunganj P.S case no. 257 of 2022 on adequate and sufficient security /surety (not in cash and bank guarantee)*



*and also for quashing part of the order dated 25.11.2023 by which the petitioner has been ordered to deposit the sum of Rs 10,50,000/- in cash for the release of the truck.”*

3. The Collector-cum-District Magistrate, Madhepur vide order dated 25.11.2023 while ordering the release of the truck of the petitioner has directed the petitioner to deposit a sum of Rs. 10,50,000/- as a security for release of the said truck.

4. Learned counsel appearing on behalf of the petitioner has stated that this Hon'ble Court in a catena of cases while directing for release of vehicle has imposed a condition of only furnishing adequate and sufficient security/ surety (not in cash and bank guarantee). However, in this particular case, learned counsel has stated that the Collector-cum-District Magistrate has imposed a condition to deposit an amount of Rs. 10,50,000/- in the Bank for release of the vehicle which is contrary the judgement relied by the petitioner and the direction of this Hon'ble Court in CWJC No. 16455 of 2014 and also a judgement of this Court reported in **2020 (4) BLJ, 50 (Vijay Shah Vrs. State of Bihar & Ors)**.

5. Having regard to the above, the present writ petition is disposed off at the stage of admission, the impugned order is modified to the extent that the release of the vehicle shall be subject to the petitioner furnishing an adequate and



sufficient security/surety of Rs. 10,50,000/- to the satisfaction of the Collector-cum-District Magistrate, Madhepura instead of depositing of cash of Rs. 10,50,000/- in the Bank. The petitioner is directed to file a representaion along with furnishing an adequate and sufficient security/surety before the Collector-cum-District Magistrate, Madhepura within a period of two weeks from today. On such representation being made, the Collector-cum-District Magistrate, Madhepura shall pass necessary orders for release of the vehicle within a period of two weeks thereof.

6. With the above direction, the present writ petition stands disposed off to the extent indicated above.

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

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