

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7054 of 2024

=====

Kanhaiya Prasad @ Kanhaiya Yadav, Son of - Sudarshan Yadav Resident of-
Manjhawari, P.S.- Majhwari, District- Buxar, Bihar.

... .. 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, Patna,
3. The Sub Divisional Officer, Danapur, Patna.
4. The Block Supply Officer, Danapur Gramin, Patna.
5. The Block Supply Officer, Naubatpur, Patna,
6. The SHO, Danapur, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Diksha Kumari, Adv.
For the Respondent/s : Mr.Standing Counsel 4

=====

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

2 03-05-2024 Heard the learned counsel for the parties.

2. The present writ petition has been filed for the
following reliefs:-

*“i.....for release of the
petitioner's public carrier truck bearing
Truck No. BR44G4195 by Block Supply
Officer, Danapur, Gramin on 29.03.2024
from the premises of Gupta Nutrition Pvt.
Ltd. Nasirganj, Danapur, Patna in
connection with Danapur P.S. Case No.
312/2024 registered under section 420,
120(B), 34 of the I.P.C. & Section 7 of the
Essential Commodities Act. On such
term/terms as this Hon'ble Court deems fit to
the satisfaction of Learned A.C.J.M.,
Danapur. The petitioner is also ready to
furnish sufficient security for release of his
truck on such term or terms as the court*



deems fit and suitable.

ii. Issuance of appropriate writ in the nature of Mandamus directing and commanding the respondents authorities to release the Vehicle in the favour of the petitioner bearing registration No Truck No-BR44G4195 to the petitioner who is the owner of the said vehicle and same is lying under open sky in the police station as nobody is there to take care of the vehicle at an early date.”

3. Learned counsel appearing on behalf of the petitioner has stated that under similar circumstances, this Court in CWJC No. 697 of 2022 dated 07.07.2022 and CWJC No. 7145 of 2023 dated 22.06.2023 has directed the concerned District Magistrate to release the vehicle that was seized from the petitioner therein. Learned counsel for the petitioner has stated that the petitioner is similarly situated and that the petitioner is ready to furnish adequate security/surety for the purpose of release of vehicle as per the direction of the District Magistrate, Patna. Further, it is submitted that the confiscation proceedings are in the nature of civil proceedings and it is ultimately the sale proceeds 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, Patna may be directed to release the vehicle in favor of the petitioner, subject to any other condition that may be imposed.



4. Learned counsel appearing on behalf of the respondents has stated that as the petitioner is ready to provide adequate securities/sureties and to abide by the reasonable terms and conditions that may be imposed by the District Magistrate, Patna, he has no objection if this Hon'ble Court directs the District Magistrate, Patna 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, Patna.

5. Having regard to the above facts and circumstances of the case and also the judgments of this Hon'ble Court referred above, this Court directs the District Magistrate, Patna, to release the vehicle seized from the petitioner in connection with Danapur P.S. Case No. 312 of 2024, 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, Patna, to the extent of the value of the vehicle which may be assessed and that the petitioner undertakes to abide by any other condition that may



be imposed for the purpose of future proceedings by the District Magistrate, Patna.

6. 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. Further, he will not claim any benefit out of this order in the pending proceedings and pursuant to the release of the vehicle in his favor.

7. Let the District Magistrate, Patna, 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.

8. With the above directions, the present Writ Petition is allowed to the extent indicated.

(A. Abhishek Reddy , J)

Bhardwaj/-

U			
---	--	--	--

