

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7951 of 2024

1. Arun Kumar Son of Dwarika Yadav, Owner of Vechile BR 01 GG-6929 , Resident of Laheriya Pokhar, ward No-24, Barh, P.S - Barh, District- Patna.
2. Jagannath Kumar, Son of- Umesh Sharma. Owner of Vechile BR 01 GB-5102 , Resident of Middle School, Dakshini Chak Bahadarpur, P.S- Athmalgola, District- Patna.
3. Harvansh Yadav, Son of- Sahab Yadav, Owner of Vechile BR 01 GD-2533, Dakshini Chak, Bahadarpur, P.S- Athmalgola, District- Patna.

... .. 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, Barh, Patna.
4. The Block Supply Officer, Block, Barh, Patna.
5. The Block Marketing Officer, Barh, Patna.
6. The SHO, Barh, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv. Mr. Kumar Rajdeep, Adv. Mr. Arvind Kumar, Adv. Ms. Diksha Kumari, Adv.
For the Respondent/s	:	Mr. Standing Counsel 3

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

2 10-05-2024 Heard the learned counsel for the parties.

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

“i. that the petitioners are filing this writ application for release of the three (3) public carrier Trucks Bearing Registration No- BR 01 GG-6929, BR 01 GB-5102 and BR 01 GD 2533 seized by Block Marketing Officer, Barh Patna on 30.04.2024 from the premises of



godown of one Roshan Kumar and Rajnish Kumar in connection with Barh P.S. Case No. 299/2024 registered under section 272, 420, 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., Barh. The petitioners are also ready to furnish sufficient security for release of their trucks on such term or terms as the court deems fit and suitable.

ii. For release of three trucks bearing registration no. BR 01 GG- 6929, BR 01 GB-5102 and BR 01 GD-2533 of which petitioners are owner and the petitioners are also ready to furnish sufficient security on such term or terms as court deems fit and suitable.

iii. Issuance of appropriate writ in the nature of Mandamus directing and commanding the respondents authorities to release of Vehicles (3 Public Carrier Truck) in the favour of the petitioners bearing registration No. BR 01 GG-6929, BR 01 GB-5102 and BR 01 GD-2533 to the petitioners who are the owner of the said vehicles and same are lying under open sky in the police station as nobody is there to take care of the vehicles.”

3. Learned counsel for the petitioners has stated that the petitioners are owner of the vehicles and the petitioners were engaged for the purpose of transporting the fertilizers and



during its onward journey, the same was seized by the official respondents on the ground that the transported fertilizers were illegal fertilizers. The drivers of the vehicles have given the name of the petitioners as the owner of the vehicles and a case was booked under Section 6(A) of the Essential Commodities Act for the seized fertilizers. Learned counsel has stated that the petitioners are not concerned with the seized fertilizers as they are not the owner of the same, but, only concerned with the release of the vehicles which were let out on hire.

4. Learned counsel for the petitioners have relied on the judgment of this Hon'ble Court in C.W.J.C. No. 697 of 2022 and their contention is that under similar circumstances this Hon'ble Court was pleased to release the vehicles 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 vehicles of the petitioners were involved in an illegal transportation of fertilizers and the same was subject matter of the case which was booked under the Essential Commodities Act and also a criminal complaint was lodged with Barh P.S. Case No. 299 of 2024 registered under sections 272, 420, 34 of the IPC and Section 7 of the Essential



Commodities Act.

6. A perusal of the judgment relied by the learned counsel for the petitioners 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 vehicles 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 order for release of the vehicles by imposing certain conditions.

7. Having regard to the same, this Court directs the Collector-cum-District Magistrate, Patna, (Respondent No.2) to pass necessary order for release of the vehicle, bearing Registration Nos. BR 01 GG-6929, BR 01 GB-5102 and BR 01 GD-2533 subject to the satisfaction of the Collector-cum-District Magistrate, Patna, and undertake to abide by any conditions that may be imposed by the Collector-cum-District Magistrate, Patna, for the purpose of future proceedings. The petitioners shall make available the adequate and sufficient security/surety (not in cash and by guarantee). The Collector-cum-District Magistrate, Patna, shall pass necessary order for release of the vehicles and impose any condition that he may



deem fit and proper before releasing the vehicles and the petitioners shall be required to abide by the same.

8. The Collector-cum-District Magistrate, Patna 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 directions, the present writ petition stands disposed of to the extent indicated above.

(A. Abhishek Reddy , J)

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