

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10199 of 2024**

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Rajiv Ranjan Son of-Prakash Choudhary, Owner of Vehicle BR 10 GA - 4788,  
Resident of Mohalla- Ishachak, P.S Jagdishpur, District- Bhagalpur  
... Petitioner

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, Sadar, Bhagalpur
4. The Block Supply Officer, Jagdishpur, Bhagalpur
5. The SHO, Jagdishpur, Bhagalpur ... Respondents

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**Appearance :**

For the Petitioner : Mr.Arvind Kumar, Adv.  
For the Respondents : Mr.Government Pleader (17)

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

3      01-10-2024                      Heard the parties.

2. The present writ petition has been filed for the  
following relief(s) :

- i. Issuance of appropriate writ in the nature of Certiorari quashing a proceeding initiated by the Collector, Bhagalpur under Section 6(A) of Essentials Commodities Act and the notice dated 26.08.2020 which has been issued u/s 6B of the EC Act in connection with Jagdishpur P.S. Case No.340 of 2019 registered on 13.10.2019 under Section 420,353 IPC and Section 7 of E.C Act and also for release of one truck bearing registration no. BR 10 GA -4788 of which petitioner is owner and the petitioner is also ready to furnish sufficient security on such term or terms as 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 BR 10 GA -4788 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.*

*iii. For issuance of any other relief or relief(s) for which the petitioner is entitled for.*

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, Bhagalpur. 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, Bhagalpur, 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, Bhagalpur, he has no objection if this Hon'ble Court directs the District Magistrate, Bhagalpur, 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, Bhagalpur.

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, Bhagalpur, to release the vehicle seized from the petitioner in connection with Jagdishpur P.S. Case No. 340 of 2019, 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, Bhagalpur, 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, Bhagalpur.

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, Bhagalpur, 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)**

Shamshad/-

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