

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1173 of 2024

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Ram Pravesh Singh, Gender-Male, aged about 52 years, Son of Late Bindeshwari Singh, Resident of Village Ghutia, P.S.-Suia, District Banka

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Food and Civil Supplies Department, Govt. of Bihar, Patna.
2. The District Magistrate, Banka.
3. The Superintendent of Police Banka.
4. The District Supply Officer, Banka.
5. The Block Supply Officer, Belhar, District-Banka
6. The S.H.O., Belhar, District-Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Onkar Kumar, Adv. Mr. Nawal Kishor Singh, Adv.
For the Respondent/s	:	Mr. Standing Counsel (11) with Mr. Dhirdyuti Kr. Verma, AC to SC-11

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

2 18-03-2024 Heard learned counsels for the parties.

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

“..... for issuance of an appropriate writ(s), order(s) for quashing of order dated 27.03.2023 passed by the Respondent no.2 under section 6-A of the Essential Commodities Act, 1955 in confiscation (supply) case no.49/18-19 whereby and whereunder Tractor of petitioner bearing Registration No.JH-15-H-5867 and Trailer bearing Registration No. JH-15-H-6009 which



were confiscated in connection with Belhar P.S. case No.49 of 23 2018 dated 27.02.2018 registered under section 7 of the Essential Commodities Act, 1955 (hereinafter referred to as E.C. Act)."

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 i.e. Tractor 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, Banka. 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, Banka may be directed to release the vehicle in favour 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, Banka, he has no objection if this Hon'ble Court directs the the District Magistrate, Banka, to release the vehicle in favour of the petitioner subject to the petitioner providing adequate securities/sureties to the extent of the value of the food-grains and also subject to the petitioner abiding by other terms and conditions that may be imposed by the District Magistrate, Banka.

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, Banka to release the vehicle seized from the petitioner in connection with Belhar P. S. Case No. 49 of 2018, 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 guarantees) to the satisfaction of the District Magistrate, Banka, 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, Banka.



6. Learned counsel for the petitioner undertakes on instruction from the petitioner that if the vehicle is released in his favour, 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, the photographs of the jute/plastic bags containing the rice which may be exhibited in course of trial and the samples seized from the vehicle if obtained in accordance with law shall not be questioned by the petitioner and he will not claim any benefit out of this order in the pending proceedings and pursuant to the release of the vehicle in his favour.

7. Let the District Magistrate, Banka, 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)

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