

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.722 of 2024

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Haresh Prasad Son of Indradeo Singh Resident of Village Maidi Kala, P.O.-
Bauri Sarai, P.S.- Khudaganj, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar State Food and Civil Supplies, Government of Bihar, Patna.
2. The District Magistrate, Nalanda.
3. The Sub- Divisional Officer, Hilsa, District- Nalanda.
4. The District Supply Officer, District- Nalanda.
5. The Deputy Collector, District Legal Cell, District- Nalanda.
6. The S.H.O., Khudaganj Police Station, District- Nalanda.
7. The Block Supply Inspector, Block- Islampur, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hansraj, Adv.
For the Respondent/s : Mr. Standing Counsel (9)

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

2 05-02-2024 Heard learned counsels for the parties.

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

(I) For issuance of a writ in the nature of writ of certiorari or any other appropriate writ, order or direction for setting aside the order dated 22.10.2022 contained the letter no.3823 dated 25.10.2022 (Annexure-4) passed by the respondent no.5, the Deputy Collector, District Legal Cell, District:- Nalanda whereby and whereunder he has ordered regarding khudaganj P.S. Case



no.112/2022 dated 08.08.2022 to initiate confiscation proceedings of seized tractor of the petitioner bearing Chassis No. CH47738 on the basis of the proposal of Sub-Divisional Officer, Hilsa, Nalanda.

(ii) For issuance of consequential writ in the nature of writ of mandamus or any other appropriate writ, order or direction commanding the respondents to provisionally release the vehicle of the petitioner i.e. Tractor bearing Registration No. BR-21GB-8570, Engine No.391355SDL20321, Chassis No.MBNAN48ADMTL47738, Model 2022 seized on the information received by the Block Supply Inspector, block:- Islampur, District :-Nalanda during the pandering of the case.

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

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, Nalanda, to release the vehicle seized from the petitioner in connection with Khudaganj P.S. Case No. 112 of 2022, 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, Nalanda, 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, Nalanda.

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, Nalanda, 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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