

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8937 of 2025

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1. Gaurav Kumar Son of Sunil Kumar, Resident of Village- Neema, P.O.- Jamuk, P.S.- Jehanabad, District- Jehanabad.
 2. Sunil Kumar (Owner of the Tractor), Son of Baijnath Singh, Resident of Village- Neema, P.O.- Jamuk, P.S.- Jehanabad, District- Jehanabad.

... .. 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, Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. NK Agarwal, Sr. Adv.
	:	Mr. Kumar Rajdeep, Adv.
	:	Mr. Arvind Kumar, Adv.
For the Respondent/s	:	Mr. Standing Counsel 05

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

4 26-09-2025 Heard the learned counsel for the parties.

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

“i. Issuance of appropriate writ in the nature of Certiorari being filed on behalf of the petitioner for quashing the order dated 01.11.2022 passed in Confiscation Case No.50/DM/2022 and 51/DM/2022 passed by the Learned Collector-cum- District Magistrate, Jehanabad by which he was pleased to confiscate the tractor bearing No . BR 25GA 0426 and Trailer bearing No. BR 25 GA 0727and 21 quintals of rice / sale proceed of rice passed in contravention of Section 6B of the E.C Act and further be pleased to release the same on furnishing sufficient sureties to the satisfaction of the Learned Collector, Jehanabad during the pendency of criminal case Jehanabad Parasbigha P.S. Case No 45 of 2021 registered on 02.04.2021 under Section 7 of E.C Act and 420/34 of the IPC.

ii. Issuance of appropriate writ in the nature of Mandamus directing and commanding the respondents authorities to



release the food grains i.e. 50bags of rice (21 quintals) in the favour of the petitioners who is the owner of the said food grains.”

3. Learned counsel appearing on behalf of the petitioners 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 petitioners therein. This Court in CWJC No. 10670 of 2023 dated 21.08.2023 has also directed the concerned authority to release the amount which was collected after the seized food grains were sold. Learned counsel for the petitioners has stated that the petitioners are similarly situated and that the petitioners are ready to furnish adequate security/surety for the purpose of release of vehicle and also the release of the amount as per the direction of the District Magistrate, Jehanabad. 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 petitioners are ready and willing to provide adequate securities/sureties. Therefore, the District Magistrate, Jehanabad may be directed to release the vehicle also the release of the amount in favor of the petitioners, subject to any other condition that may be imposed.



4. Learned counsel appearing on behalf of the respondents has stated that as the petitioners are ready to provide adequate securities/sureties and to abide by the reasonable terms and conditions that may be imposed by the District Magistrate, Jehanabad, he has no objection if this Hon'ble Court directs the District Magistrate, Jehanabad to release the vehicle and also the release of the amount in favor of the petitioners subject to the petitioners providing adequate securities/sureties to the extent of the value of the vehicle and also the release of the amount and also subject to the petitioners abiding by other terms and conditions that may be imposed by the District Magistrate, Jehanabad.

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, Jehanabad, to release the vehicle seized from the petitioners in connection with Parasbigha P.S. Case No 45 of 2021 and also the amount realized from the sale of the food grains, which are subject matter of the present writ petition, subject to the condition that the petitioners shall make available adequate and sufficient securities/sureties (not in cash or bank guarantee) to the satisfaction of the District Magistrate, Jehanabad, to the



extent of the value of the vehicle which may be assessed and that the petitioners undertake to abide by any other condition that may be imposed for the purpose of future proceedings by the District Magistrate, Jehanabad.

6. Learned counsel for the petitioners undertake on instruction from the petitioners that if the vehicle and also the amount is released in thier favor, in course of trial they will not raise any question with respect to the seizure of the vehicle and the realized amount and no identification issue shall be raised in course of trial. Further, they will not claim any benefit out of this order in the pending proceedings and pursuant to the release of the vehicle and also the release of the amount in their favor.

7. Let the District Magistrate, Jehanabad, 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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