

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7131 of 2025

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Ramaiya Ram Son of Late Mohan Ram, Resident of Sardarpally, Maingate,
P.S. - Durgaour, (M. Corp), District- Bardhaman (West), West Bengal, Bengal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Old Secretariat, Government of Bihar, Patna.
2. The Secretary, Food and Consumer Protection Department, Old Secretariat, Government of Bihar, Patna.
3. The Collector-Cum- District Magistrate, Munger.
4. The Sub-Divisional Magistrate, Munger.
5. The District Supply Officer, Munger.
6. The Block Supply Officer, Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Adv.
For the Respondent/s : Mrs. Shweta Anand, AC to GP-13.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

2 08-05-2025 In the instant petition, petitioner has prayed for

following relief(s):-

(i) For issuance of an appropriate writ/order/direction in the nature of mandamus commanding and directing the respondent authorities, especially respondent no. 3 to release the petitioner's vehicle, i.e., a truck bearing Registration No.-WB-39-A-7044, Chassis No.-MAT466388C2C06966, Engine No.- 21C63245955 seized in connection with Sangrampur P.S. Case No.



205/2022, dt. 06-08-2022, u/s. 7 of Essential Commodities Act, 1955, wherein after the order passed by this Hon'ble Court on dt. 23-01-2024 passed in Cr.W.J.C. No. 927/2023, on hearing so held by the learned District Magistrate-cum-Collector, Munger in connection with Confiscation (Supply) Case No. 12 of 2022-23 an order dt. 03-08-2024 was passed to the effect that petitioner's seized truck valuation was Rs. 18,00,000/- and he should offer security bond to this effect wherein the petitioner has offered another Truck bearing Registration No. WB-37-E-2025, Chassis No. MAT541024HIP28551, Engine No.-1SBE591804071M63649679, as security and which is arbitrarily being denied of acceptance.

(ii) For issuance of an appropriate writ/order/direction directing the respondent authorities, especially respondent no. 3 not to demand bank guarantee in the form of security bond from the petitioner for release of his truck with Registration No. WB. 39-A-7044 so seized in connection with Sangrampur P.S. Case No. 205/2022, dt. 06-08-2022, as the petitioner is a poor person and he cannot afford to provide bank guarantee, however, he is able to provide security by furnishing another vehicle of same value as stated above,

(iii) For that valuation of the seized truck, i.e., WB -39 A-7044 so made by District Magistrate -



cum Collector, Munger to the tune of Rs. 18,00,000/- be set aside as being arbitrary and illegal in light of insurance valuation of the said truck being only Rs. 9,51,753/- by Shriram General Insurance Company Limited,

(iv) For issuance of any other writ/order/direction which the Hon’ble Court may deem fit and proper in the facts and circumstance of the case.

2. The relief(s) sought in the present petition cannot be adjudicated under Article 226 for the reasons that there is no offences under the Bihar Prohibition and Excise Act, 2016. However, instant writ petition stands disposed of, reserving liberty to the petitioner to invoke appropriate remedy before appropriate forum.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Nirajkrs/-

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