

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15503 of 2023

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Hari Kumar Sah Son of Hajari Sah Resident of village- Belganj, P.S.-
Bargania, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary of the Home Department, Bihar at Patna.
2. The Collector cum District Magistrate, Sitamarhi, District- Sitamarhi.
3. The Block Supply Officer, Bariganiya, District- Sitamarhi.
4. The Officer-in-charge of Police Station, Bairgania, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Md. N.H. Khan (SC-1)
		Mr. Md. Irshad, AC to SC-1

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

3 01-05-2025 Heard the parties.

2. The present writ petition is filed by the petitioner seeking a direction from this Court to direct the respondents to release the pick-up van bearing registration No. BR06 GC 3583.

3. Learned counsel for the petitioner has stated that the petitioner is owner of the vehicle and petitioner has no knowledge about the loaded article being rice which was supplied for black market. The vehicle was hired by one Shivkumari Devi and the same was seized by the official respondents on the ground that the loaded article (rice) in the vehicle was essential commodities and hence, a case was booked under Section 7 of the Essential Commodities Act



bearing Confiscation Case No. 186 of 2021. Learned counsel has stated that the petitioner is not concerned with the seized article as he is not the owner of the same, but, only concerned with the release of the vehicle which was let out on hire.

4. Learned counsel for the petitioner has relied on the judgment of this Hon'ble Court in C.W.J.C. No. 697 of 2022 and his contention is that under similar circumstances this Hon'ble Court was pleased to release the vehicle by imposing some condition.

5. Learned counsel for the respondents has vehemently opposed the very maintainability of the writ petition and has stated that the vehicle of the petitioner was involved in an illegal transportation of public distribution system rice and the same was subject matter of the case which was booked under the Essential Commodities Act and also a criminal complaint was lodged with Bairgania Police Station, bearing case no. 186 of 2021, registered on 03.09.2021 under Section 7 of the Essential Commodities Act.

6. A perusal of the judgment relied by the learned counsel for the petitioner in C.W.J.C. No. 697 of 2022 reveals that under similar circumstances a Hon'ble Single Judge of this Court was pleased to release the vehicle relying on an earlier



judgment of the Hon'ble High Court in C.W.J.C. No. 16455 of 2014 and also a judgment of this Court reported in 2020(4) BLJ, 50 (Vijay Shah Vrs. State of Bihar & Ors.) wherein the District Magistrate was directed to pass necessary order for release of the vehicle by imposing certain conditions.

7. Having regard to the same, this Court directs the Collector-cum-District Magistrate, Sitamarhi, (respondent no. 2) to pass necessary orders for release of the vehicle, bearing registration No. BR06 GC 3583, subject to the satisfaction of the Collector-cum-District Magistrate, Sitamarhi, and the petitioner shall file an undertaking to abide by any conditions that may be imposed by the Collector cum-District Magistrate, Sitamarhi, for the purpose of future proceedings. The petitioner shall make available the adequate and sufficient security/surety (not in cash and by guarantee). The Collector-cum-District Magistrate, Sitamarhi, shall pass necessary order for release of the vehicle and impose any condition that he may deem fit and proper before releasing the vehicle and the petitioner shall be required to abide by the same.

8. The Collector-cum-District Magistrate, Sitamarhi, is directed to pass necessary orders within a period of two weeks from the date of receipt/communication of this order.



9. With the above direction, the writ application is disposed off accordingly.

(A. Abhishek Reddy , J)

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