

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16397 of 2025**

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Sarfaraz Alam S/o Mahboob Alam, Resident of Dahuwabari, P.O.- Bishanpur,  
P.S.- Kochadhaman, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate-cum-Collector, Kishanganj.
3. The Supply Inspector, Kishanganj.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. N.K. Agarwal, Sr. Adv.<br>Mr. D.N. Tiwari, Adv.<br>Mr. Kumar Rajdeep, Adv. |
| For the Respondent/s | : | Mr. Standing Counsel (20)                                                      |
| For the State        | : | Mr. Mahtab Alam, Adv.                                                          |

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

2      20-01-2026                      Heard learned counsels for the parties.

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

*“That this writ petition is being filed on behalf of the petitioner for issuance of writ the nature of certiorari for quashing the order dated 02.03.2021 passed in Confiscation Case No. 32/2020 by which the Learned Collector-cum-District Magistrate Kishanganj was pleased to confiscate the truck of the petitioner bearing registration No. BR37GA-3357 and further for quashing the appellate order dated 19.07.2025 passed in Confiscation Appeal No. 01/2024 passed by the Learned Sessions Judge, Kishanganj by which he was pleased to dismiss*



*the statutory appeal filed U/s 6C of the E.C. Act on the grounds which are not sustainable in the eye of law and further be pleased to release the truck of the petitioner on furnishing sufficient sureties to the satisfaction of the concerned court.”*

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

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, Kishanganj to release the vehicle seized from the petitioner in connection with Kishanganj P. S. Case No. 155 of 2020, 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, Kishanganj, 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, Kishanganj.

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, Kishanganj, 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)**

Gauravkr/-

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