

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17181 of 2014**

=====

1. Sanjay Kumar S/o Late Ram Ratan Prasad Resident of Akhara Ghat  
Road, P.O. Town , P.S. - Town, District - Muzaffarpur.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Collector, East Champaran at Motihari.  
2. The Collector, East Champaran at Motihari.  
3. The Block Agriculture Officer, Ghorasahan, District - East Champaran.

.... .... Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.

For the Respondent/s : Mr. Abbas Haider, SC-16


=====

**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**ORAL ORDER**

3      31-03-2015      Heard Mr. N.K. Agrawal learned Senior counsel for the  
petitioner and learned counsel for the State.

The limited relief in this writ petition is for a direction to the  
District Magistrate-cum-Collector, East Champaran for  
provisional release of the truck bearing registration no. BR-06GA-  
0571 which stands seized consequent upon the institution of the  
police case bearing Ghorasahan P.S. Case No. 324 of 2014 and is  
subjected to Confiscation Case No. 21 of 2005.

Facts of the case briefly stated is that the truck of the  
petitioner was seized by the police *inter alia* on allegation that the  
proprietor of Kisan Khad Bhandar was involved in illegal  
purchase of the fertilizer. Following the seizure that a police case



was instituted under Section 7 of the Essential Commodities Act giving rise to Ghorasahan P.S. Case No. 324 of 2014. It is following the police case that the matter was referred to the District Magistrate for registering of confiscation proceeding and following which a confiscation case has been registered under Section 6A of the Essential Commodities Act bearing Confiscation Case No. 21 of 2015 which is pending before the District Magistrate cum Collector, East Champaran at Motihari.

Although learned counsel for the petitioner has endeavoured to attack the seizure of the vehicle on merits but considering that the alleged seizure is pending consideration in the criminal case arising from Ghorasahan P.S. Case No. 324 of 2014 as well as the Confiscation Case No. 21 of 2015 which is pending before the District Magistrate cum Collector, East Champaran at Motihari this Court would refrain from expressing any opinion. These circumstances, however, would not preclude the petitioner to press his prayer for provisional release of the seized vehicle and which according to this Court is not unreasonable for keeping a vehicle under open sky and leaving it unattended would only render it obsolete and useless for future use. Learned counsel for the petitioner has submitted that he is prepared to furnish security as deem fit and proper and that he shall not be creating any third

party right during the pendency of the criminal proceedings / confiscation proceedings and undertakes to present the vehicle as and when directed in the criminal/confiscation proceedings.

In the opinion of the Court the submissions are just and reasonable. Since the matter has now culminated into confiscation proceedings hence in view of the provisions underlying Section 6E of the Essential Commodities Act, the District Magistrate cum Collector, East Champaran at Motihari in seisin of Confiscation Case No. 21 of 2015 is directed to order for the provisional release of the vehicle bearing registration no. BR-06GA-0571 in favour of the petitioner within four weeks from the date of receipt / production of a copy of this order subject to the fulfillment of the following terms and conditions:

(a) The petitioner shall produce all original papers supporting the ownership of the vehicle in question including the registration papers, the insurance paper, the tax token and the pollution certificate.

(b) The petitioner shall file an undertaking in form of an affidavit that he shall not alienate the vehicle or transfer the vehicle in favour of any third party during the pendency of the criminal / confiscation proceedings and would produce the vehicle as and when required before the court concerned in the criminal

/confiscation proceedings.

(c) The petitioner shall furnish security as deem fit and proper by the District Magistrate which shall neither be in the form of cash nor bank guarantee.

(d) The release of the vehicle shall be governed by the final outcome of the criminal / confiscation proceedings.

With the observations / directions aforementioned, the writ petition is disposed of.

Bibhash/-

**(Jyoti Saran, J)**

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|