

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25572 of 2019

Subodh Kumar @ Subodh Kumar Yadav Son of Late Jagarnath Prasad Yadav
@ Jagarnath Ray R/o Village- Madhuaha Mal, P.S.- Rajepur, District- East
Champanan.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, East Champanan at Motihari.
2. The Superintendent of Police East Champanan at Motihari.
3. The Additional Deputy Collector District Legal Cell, East Champanan at Motihari.
4. The Station House Officer P.S.-Rajepur, District- East Champanan.
5. The Block Development Officer cum Block Supply Officer Block Block-Tetaria, District- East Champanan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 04-02-2021

Heard learned counsel appearing for the petitioner as well as learned counsel for the State.

The petitioner seeks release of his pick-up van bearing Registration No. BR05GA8629 which was seized in connection with Rajepur P.S. Case No. 130 of 2018 under Section 7 of the Essential Commodities Act, 1955.

Brief facts of this case is that on 21.08.2018, Block Development Officer-cum-Block Supply Officer, Tetaria, East Champanan gave a written report and the same was treated as First Information Report being Rajepur PS Case No. 130 of 2018 and registered under Section 7 of the Essential



Commodities Act, 1955.

Prosecution case in brief is that informant got secret information that at the house of petitioner, one pick-up van loaded with government foodgrains is likely to be black-marketed. On such information, raid was conducted and with the help police party one loaded pick-up van bearing Registration No. BR05GA8629 having 37 bags of rice was seized.

It is submitted on behalf of the petitioner that the confiscation proceeding has not been initiated as yet nor any decision have been taken to initiate the same. It is further submitted that petitioner gave an application for release of the vehicle in question before the Court of Sub-Divisional Judicial Magistrate, East Champaran at Motihari. In pursuance thereof, vide letter dated 07.06.2019 as contained in letter no. 2040/legal, it was reported that no confiscation proceeding is going on in respect of vehicle in question. It is further submitted that this application regarding release of vehicle may be disposed of in view of ratio laid down in the case of **(Bablu Kumar Das Vs. State of Bihar)** vide order dated 13.05.2016 passed in Cr. WJC No. 246 of 2016 whereby the Hon'ble Court was pleased to dispose of the matter with certain direction.

Counsel for the State raised no objection.

In view of the submission of petitioner this writ



petition is also disposed of in terms of order dated 13.05.2016 passed in Cr. WJC No. 246 of 2016 in case of **(Bablu Kumar Das Vs. State of Bihar)**.

This writ application is partly allowed. The District Collector, East Champaran at Motihari, is hereby directed to take a decision in the matter in accordance with law within a period of two weeks from the date of receipt of this order. If the seized vehicle needs to be confiscated, then the District Collector shall initiate a proceeding for confiscation and, depending upon the result of the proceeding, which may be so drawn, a decision as regards release or otherwise of the seized vehicle may be taken. If the District Collector decides not to initiate any confiscation proceeding in respect of the seized vehicle, he shall communicate his decision to the jurisdictional Judicial Magistrate, who would, thereafter, stand vested with the power to direct release of the seized vehicle if the facts and circumstances of the case so warrant.

With the aforesaid observation, this writ petition stands disposed of.

(Prabhat Kumar Singh, J)

vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.02.2021
Transmission Date	

