
(2013) 11 BOM CK 0014

In the Bombay High Court

Case No : Criminal Writ Petition No. 420 of 2013

Syed Kadir Syed Isaq

APPELLANT

Vs

The State of Maharashtra

RESPONDENT

Date of Decision : 22-11-2013

Acts Referred:

Citation : (2014) ALLMR(Cri) 1704

Hon'ble Judges : A.M. Thipsay, J

Bench : Single Bench

Final Decision : Allowed

Judgement

A.M. Thipsay, J.—Heard the learned Counsel for the petitioner. Heard the learned Additional Public Prosecutor for the respondents. Rule. By consent, Rule made returnable forthwith. By consent, heard finally.

2. The petitioner's vehicle came to be seized in connection with C.R. No. 1/2011, registered at Police Station, Gevrai (District : Beed), in respect of offences punishable under Sections 3 and 7 of the Essential Commodities Act, 1955. The Additional Collector, Beed, on an application made by the petitioner, released the vehicle in favour of the petitioner on certain terms and conditions. One of the conditions imposed by the Additional Collector is that, the petitioner should furnish a bank guarantee in the amount of Rs. 3,00,000/-, which is estimated to be the value of the said vehicle. The petitioner is aggrieved by this condition as, according to him, such a condition is harsh and uncalled for.

3. The learned Counsel for the petitioner submits that the petitioner is ready to offer a solvent surety to the satisfaction of the Additional Collector, in the requisite amount.

4. In my opinion, this would be a sufficient security and it will not be proper to insist on furnishing a bank guarantee. The learned Additional Public Prosecutor also does not dispute that, the security in the form of a solvent surety in the requisite amount, would be sufficient in the matter.

5. Consequently, the condition imposed by the Additional Collector, by his order dated 26-4-2011, requiring the petitioner to give bank guarantee in the sum of Rs. 3,00,000/-, is set aside. Instead, the petitioner shall furnish a surety in the sum of Rs. 3,00,000/- to the satisfaction of the Additional Collector, Beed. The petition is allowed in the aforesaid terms and to the aforesaid extent. Rule is made absolute accordingly.