

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.582 of 2015

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1. Md. Jamaluddin @ Jamaluddin, S/o Late Sajjad Ali, Resident of Village-Shripur Mallah, P.S.-Chariya, P.S.-Baisi, District-Purnea at present C/o Abdul Kabir Karhajara Raiganj, P.S.-Raniganj, District-Uttar Dinajpur, West Bengal

.... Petitioner.

Versus

1. The State of Bihar through the Collector, Madhepura.
2. The B.S.O., Chausa, P.S.- Chausa, District-Madhepura.

.... Respondents.

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Appearance :

For the Petitioner : Mr. Vijay Anand, Advocate.

For the Respondent-

State : Mr. Shashi Shekhar Prasad Sinha, A.C.G.A. 13)

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

3 06-07-2015 Heard learned counsel for the petitioner and learned counsel for the State.

This petition has been filed for direction to release of truck bearing Registration No. WB 59A/3718 in favour of the petitioner in connection with Bihariganj P.S. Case No. 85 of 2015 registered under Section 7 of the E.C. Act.

However, in the entire writ petition, there is not mentioned whether the petitioner has filed a petition for release of the truck before the authority where the case is pending nor has mentioned whether any confiscation proceeding is pending under the E.C. Act and hence the petition for release of truck filed before this Court under writ jurisdiction as an original Court is not

maintainable.

Learned counsel for the petitioner submits that petitioner has filed a petition before the S.D.J.M., Madhepura.

Since the matter concerned with seizure of the truck under 7 E.C. Act and it required to be gone where confiscation proceeding has been initiated. However, the petitioner has an alternative remedy to file petition before the Court where the proceeding is pending for release of truck.

Hence I do not find any merit in this writ petition. Accordingly, the same is disposed of.

However, if the petitioner may move to the court where proceeding is pending for release of the truck then it shall be considered on its own merit in accordance with law at the earliest.

m.p.

(Gopal Prasad, J)

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