

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4381 of 2017

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Ravindra Kumar, son of Nathuni Sharan, resident of Village-Godaisarai, Police Station-Sadar Hajipur, District-Vaishali.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food & Consumer Protection Department, Government of Bihar,
2. The Marketing Officer, Vaishali at Hajipur.
3. The Collector, Vaishali at Hajipur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.

For the Respondent/s : Mr. Arvind Ujjwal, S.C.-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 25-04-2017

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner has approached this Court for release of vehicle bearing registration No.BR-06G-3706, which has been seized as was found that the said vehicle was carrying the contraband goods and constitutes an offence punishable under Section 7 of the E.C. Act, led to institution of Lalganj P.S. Case No.179 of 2016.

3. Admittedly, the Additional District Magistrate, Vaishali at Hazipur has initiated a confiscation proceeding vide



Criminal Miscellaneous No.10 of 2016-17. The present case is only for the purposes of release of vehicle till the decision of the Confiscating Authority.

4. It has been submitted by the petitioner that the vehicle has been seized on 24.06.2016 and the said vehicle is standing in the Police Station, which will deteriorate and turned to be a zero value. Hence, the petitioner makes a prayer to release the said vehicle and he undertakes that during that period he will neither sale out the vehicle nor change the feature of the vehicle in any manner.

5. As an appeal being L.P.A. No.1647 of 2015 has been referred to the Full Bench on the issue whether the Confiscating Authority can have a jurisdiction with respect to confiscation matter or the power lies to the Court.

6. In such view of the matter, let the vehicle bearing registration No.BR-06G-3706 be released on furnishing sufficient surety to the satisfaction of Confiscating authority as well as on the personal undertaking of the petitioner that whenever he would be asked to present the vehicle for inspection either before the Criminal Court or before the Confiscating Authority he will



produce the same and during that period the petitioner would neither change the feature of the vehicle in any manner nor sale out the said vehicle to any third party

7. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	27.04.2017
Transmission Date	N/A.

