

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12367 of 2017

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Sita Sao, Son of Late Dil Gopal Sao, Resident of Village + P.O. + P.S. - Sarmera,
District- Nalanda.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Patna.
3. The Sub-Divisional Judicial Magistrate, Barh, District- Patna.
4. The District Transport Officer, Patna.
5. The Officer-in-Charge, Bhadaur Police Station, District- Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Pramod Kumar, Advocate

For the Respondents : Mr. Sarvesh Kumar - GP24

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-12-2017

The present writ petition has been filed for quashing the order of the District Magistrate, Patna, Respondent no. 2 dated 10.01.2017 confiscating the vehicle of the petitioner bearing Reg. No. BR-01GD-7897 as contained in Annexure-2 which was seized by Bhadaur Police Station after institution of Bhadaur Police Station Case No. 87 of 2016 registered for the offences punishable under section 420 of the Indian Penal Code and also under section-7 of the Essential Commodities Act.

2. Learned counsel for the petitioner submits that the issue whether the Collector is empowered to direct confiscation, which is a judicial function, has been referred to a larger Bench by order dated 19.09.2016 passed in LPA No. 1647 of 2015. Pending decision by the larger Bench, a Division Bench of this Court in LPA No. 2383 of 2016 has taken the view that the vehicle can be released considering that



they deteriorate while in custody with the officials of the Department and finally the confiscation proceedings are decided in favour of the owner of the vehicle.

3. Learned counsel for the respondents appears and has been heard.

4. The Division Bench in its order dated 17.04.2017 passed in LPA No. 2383 of 2016 referred to above, has directed as follows –

“Keeping view the aforesaid, we direct for the release of the vehicle (Regn. No.BR-02AA-6312) in accordance to the conditions stipulated in para 5 of the order passed on 21.2.2017 in L.P.A. No.306 of 2017 and impose a further condition that apart from the security bond a solvent surety shall be furnished by the petitioner to the satisfaction of the competent authority.”

5. In the above view of the matter and considering that the challenge to the Collector’s jurisdiction to pass an order of confiscation is itself pending before a larger Bench of this Court, the present writ petition is disposed of in line with and on the same terms as the aforesaid direction in LPA No. 2383 of 2016.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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