

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2517 of 2017

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Suman, son of Shri Binda Singh, resident of Dumri, Police Station - Muffasil,
District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary to the Government, Department of Excise, Government of Bihar, Patna.
2. The Commissioner, Excise, Bihar, Patna.
3. Shri Kaushal Kumar, Father's name not known to the petitioner, presently posted as District Magistrate, Nawada.
4. The Excise Superintendent, Nawada.
5. The Inspector of Excise, Nawada.
6. The Sub Inspector of Excise, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeeva Roy, Advocate
For the Respondent/s : Mr. Sanjet Kumar Singh, AC to AAG-6

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 28-11-2017

Inter alia contending that an interim order passed on 16.11.2016 in CWJC No.17514 of 2016 has been violated and in spite of the order passed, a vehicle in question has not been released by the District Magistrate, Nawada, this application has been filed for initiating action for contempt. Except for making a bald statement that the vehicle has not been released, nowhere in the writ petition is there any pleading as to after passing of the order in question on 16.11.2016 on which date the petitioner approached the District Magistrate for release of the vehicle, the particulars of the date on which he approached the office, the copy



of the application and the documents submitted for release have not been indicated in the writ petition nor is any document to show that after passing of the order on 16.11.2016, the petitioner approached the District Magistrate for release of the vehicle. Even though certain allegations have been made in para 6 of the application, but specific details are not available along with the copy of the application.

In view of the above, we are not inclined to initiate action for contempt, on the contrary, we direct that in case, the vehicle in question has not been released to the petitioner, the petitioner shall file a certified copy of this order along with a copy of the order dated 16.11.2016 passed in CWJC No.17514 of 2016, comply with requirement as was directed on 16.11.2016 and on the same being done, the District Magistrate, Nawada shall release the vehicle in question within a period of one week of its presentation.

With the aforesaid, the application stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.11.2017
Transmission Date	

