

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6188 of 2018

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Pramod Barnwal @ Pramod Varnwal, S/o- Radhey Modi, Permanent Resident of 6, Village- Lalpur, Tola Lalpur, Banka, presently residing at Village- Suiya, P.S. Suiya, Dist- Banka, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Supplies Department, Government of Bihar, Patna
2. The Collector, Banka, Bihar
3. In-charge Officer, Law Branch, Banka
4. Block Supply Officer, Chandan, Banka
5. The Officer-in-Charge, Suiya Police Station, Banka

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Avanish Kumar Singh, Advocate
For the Respondent/s : Mr. Arvind Ujjwal- S.C.4
Mr. Sushil Kumar Mallick, A.C. to S.C. 4

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-04-2018

Petitioner has filed this writ petition under Article 226 of the Constitution for quashing a confiscation notice and case initiated against the petitioner being Confiscation (Supply)



Case No. 23/2017-18 (State Vs. Pramod Varnbal).

Only a show-cause notice has been issued to the petitioner and on the grounds canvassed in this writ petition, it is not appropriate for this Court to quash the confiscation proceedings. Petitioner should raise all objections before the competent authority where the confiscation proceedings are pending. It is for the authorities concerned to take note of the factors and proceed in accordance with law.

Granting the aforesaid liberty to the petitioner and for the present finding no indulgence to be made at this stage when only a show-cause notice is issued, we dispose of the writ petition.

In the meanwhile, vehicle of the petitioner (Pick-up van) bearing Registration No. JH-15H-1375 shall be released to the petitioner on his furnishing two sureties to the satisfaction of District Magistrate, Banka in connection with the aforementioned confiscation case arising out of Suiya P.S. Case No. 18/17 on the condition that pending finalization of the confiscation proceedings and criminal case the petitioner shall not alienate or deal with the vehicle in question in any manner so as to create a third party interest or prejudice the right of the State in confiscation proceedings and shall produce the vehicle



before the authority concerned as and when directed. The vehicle in question shall be released to the petitioner within a period of one week from the date of furnishing the sureties.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	05.04.2018
Transmission Date	

