

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1593 of 2018

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Dhiredra Awasthi S/o Patiram Awasthi, R/o House No. 29, Muraina, Ward No. 33, District- Morena, M.P.- 476001.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary ,Home Department, Old Secretariat ,Patna , Bihar.
2. The Officer-in-Charge, Nawanagar P.S., Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. D.N.Tiwari, Adv.
Mr. Anil Kumar Rai, Adv.
For the Respondent/s : Mr. Manish Kumar (GP 4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-07-2018 It is the case of the petitioner that even though this case was registered against the petitioner as back as in the year 2014 and till date the criminal case has not been finalized, the application filed by the petitioner seeking release of the vehicle in question is not being considered by the Court below.

Learned counsel for the petitioner further submits that in a case under the Narcotics Drugs and Psychotropic Substance Act, a proceeding for confiscation is initiated under Section 63 of the said Act only after conviction of the accused and because presently the accused has not been convicted the confiscation proceeding has not been initiated.

Learned counsel for the State submits that huge



quantity approximately six quintals of Ganja has been allegedly recovered from the vehicle in question and, therefore, the request of the petitioner for release of the vehicle is not required to be accepted.

Be that as it may, since the petitioner has submitted that an application for release of vehicle has already been filed in the Court below and the same is pending for consideration, the Court below is directed to consider and dispose off the pending application of the petitioner and pass a reasoned order thereon. The petitioner as well as the State will be at liberty to raise all such plea which will be available to them in course of hearing before the Court below. It is expected that the application of the petitioner shall be disposed off within a period of one month from the date of receipt/production of a copy of this order.

The application stands disposed off, accordingly.

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha/Ved

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