

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.829 of 2018

In

Cr. WJC 2408 of 2017

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1. Yogendra Prasad Gupta @ Yogendra Pd. Gupta, son of Sri Devi Sah Gupta @ Sri Devi Dayal Sah @ Shri Devi Dayal Gupta, Resident of Mohalla- Choudhariyana Ara, P.S.- Ara, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Patna Namely Sri Anjani Kumar Singh, son name not known.
2. The Principal Secretary, Excise Department, Government of Bihar, Patna, namely Sri Aamir Subhani, son name not known.
3. The Home Secretary, Government of Bihar, Patna, namely Sri Aamir Subhani, son name not known.
4. The Director General of Police, Government of Bihar, Patna, namely Sri P.K. Thakur, son name not known.
5. The District Magistrate, Patna, namely Sri Sanjay Agrawal, son name not known.
6. The Additional Collector, Patna, namely Sri Uma Shankar Mandal, son name not known.
7. The Superintendent of Police-cum-officer Incharge of Economic Offence P.S. Bihar, Patna, namely Sri Rashid Zama, son name not known.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nil Kamal, Adv

For the Respondent/s : Mr. Anil Kumar Sinha - GA 1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 25-07-2018

Heard the parties.

This application has been preferred for punishing the respondents for contempt of order of this Court dated 22.11.2017 passed in Cr.W.J.C. No.2408 of 2017, whereby the District Magistrate, Patna was directed to release the seized Scorpio vehicle of this petitioner bearing Registration No.BR-03P-4994



which was seized in connection with Patna Economic Offence P.S.Case No.17 of 2016 for alleged violation of the provisions of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the opposite parties submits that on 26.10.2017 itself, an auction notice was published in the daily newspaper for auction of the vehicle of the petitioner as well as some other vehicles and date was fixed on 06.11.2017 for auction and on 06.11.2017 itself, the vehicle was auctioned. Therefore, there is no willful disobedience of order of this Court dated 22.11.2017.

I am satisfied that the order of this Court has not been willfully disobeyed by the opposite parties. Hence, this application is disposed of as devoid of any merit.

However, it is made clear that the auction conducted by the opposite parties shall be subject to the result of criminal trial pending against the petitioner because auction of the vehicle amounts to pre-trial punishment. In the event of failure of the trial, the petitioner would be entitled for, the real cost of the vehicle on the date of auction, from the respondents.

(Birendra Kumar, J)

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