

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.827 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

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Shyam Babu Yadav, S/o Late Mohan Gop, Resident of Village- Noorpur, P.S.-
Malsalami, Dist- Patna.

.... Petitioner

Versus

1. The State of Bihar Through The Collector, Patna.
2. The Collector, Patna.
3. The Special Rationing Officer, Patna.
4. The Officer In-charge, Malsalami, Police Station, Patna City, District- Patna.

.... Respondents

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Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Mr. Amarendra Kumar Mr. Dharmendra Kumar
For the Respondent/s	:	Md. Nadim Seraj, G.P.5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 03-05-2018

It appears from Annexure-1 to the writ application that petitioner has earlier moved this court seeking release of the vehicle in question. Learned writ court having taken note of the relief prayed by the petitioner took a view that the petitioner should take proper action by way of filing an appeal before the appropriate court/authority.

Learned counsel for the petitioner points out from paragraph 3 of the writ application that after the order was passed by this court vide Annexure-1, the petitioner filed an application on 03.11.2017 before the court of Collector, Patna in confiscation case No. EX31/2016-17 (State of Bihar Vs.



Ravi Shankar Prasad Suthani & others) but till today the same is pending before the Collector, Patna. It is however stated that the Sub-Divisional Judicial Magistrate, Patna City Court, Patna that no confiscation case will proceed in the light of L.P.A. No. 1647/2015.

Attention of this court has been drawn towards Annexure-2 & 3 of the writ application which are the orders dated 22.11.2017 passed in Cr.W.J.C. No. 2200/2017 and order dated 22.11.2017 passed in Cr.W.J.C. No. 2244/2017 whereby a co-ordinate Bench of this court has been pleased to release the vehicles which were the subject matter of confiscation proceeding in connection with Malsalami P.S. Case No. 257/2016. Learned counsel submits that the vehicle involved in the present case is also in connection with Malsalami P.S. Case No. 257/2016 and therefore similar order may be passed in respect of the petitioner's case also.

Learned counsel for the State is present, considering the facts and circumstances of the case and the subsequent developments which have been stated by the petitioner as has been taken note of hereinabove, let the vehicle (Tractor) bearing Registration No. UP44D-4535 in connection with Malsalami P.S. Case No. 257/2016 and E.C.



Act Case No. 31/16-17 be provisionally released in favour of the petitioner on producing the document of ownership and registration of the vehicle in question within a period of one week on the same terms and conditions on which the vehicles have been ordered to be released in Cr.W.J.C. No. 2200/2017.

This Criminal Writ Application stands disposed of, accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.05.2018
Transmission Date	07.05.2018

