

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.168 of 2017

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Md. Rasdul @ Raso, Son of Sheikh Shalim, Resident of Village-
Kharhara, Police Station- Barahat, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Banka.
2. The District Supply Officer, Banka.
3. The Block Supply Officer, Barahat, District Banka.
4. The Circle Officer, Barahat, District- Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Respondent/s : Mr. S. Raza Ahmad(AAG5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

5 15-01-2018

Heard learned counsel for the parties.

This writ application has been filed for the following

reliefs:-

“I. For a direction to the respondent authorities to release the rice/paddy seized from the premises of the petitioner.

II. For a direction to release the amount recovered from the auction of the rice recovered from the premises of the petitioner amounting to 300 bags if the rice recovered from the premises of the petitioner has been auctioned, subject to the result of the confiscation proceedings.

III. For grant of any other relief/reliefs to which he may be entitled by way of filing of the present writ application.”



In the last week also, a prayer for pass over was made by Mr. Ajit Kumar, learned Advocate. Today again a prayer has been made for pass over on his behalf.

However, learned counsel for the State has drawn attentions of this Court towards the fact that in the present case the food-grains in question have already been confiscated and auctioned, the order of confiscation is not under challenge in this case, but the petitioner is seeking release of the amount recovered from the auction of the rice which were seized from the premises of the petitioner amounting to 300 bags subject to the result of confiscation proceeding. He has further drawn the attention of this Court towards Annexure-A/1 of the counter affidavit showing that the rice has already been auctioned and a sum of Rs.1,72,754/- has been deposited with the treasury as far back as on 31.05.2016 and this writ application has been filed thereafter. Learned counsel submitted that the writ application itself has been filed after deposit of the auctioned amount with the treasury but without challenging the confiscation order and if in a case arising out of a confiscating proceeding, the final order passed in the confiscation proceeding has not been challenged by the petitioner, nothing remains for adjudication in the present case.

This Court agrees with the submission of the learned



Counsel for the State in the facts and circumstances stated hereinabove.

The writ application is dismissed as having become infructuous. The petitioner will have liberty to challenge the confiscation order and consequential reliefs.

(Rajeev Ranjan Prasad, J)

Arvind/-

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