

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1316 of 2017

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Surendra Singh Son of Late Jai Nandan Singh, Resident of Jaipur Kothi 371 in Front of MIG 33 Lohiya Nagar Kankarbagh, P.S.-Kankarbagh, District-Patna, Bihar.

.... Petitioner

Versus

1. The State of Bihar Through The Chief Secretary, Government of Bihar, Patna.
2. Director General of Police, Government of Bihar, Patna.
3. Senior Superintendent of Police, Patna.
4. Station House, Officer, Patrakar Nagar, District-Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sharma

For the Respondent/s : Mr. Lalit Kishore (Paag1)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3. 19-01-2018

In course of argument, learned counsel for the petitioner has repeatedly submitted that he has not challenged the F.I.R. in the present case. He had challenged only the action by which the vehicle (Hundai- i20 bearing registration no. BR-01CJ-3855) in question was seized by the police.

It is a matter of record that while passing the order dated 06.09.2017 by a co-ordinate Bench of this Court, it was recorded that “First prayer is for quashing the F.I.R. of Patrakarnagar P.S. Case No. 198/2017”. It appears that the vehicle in question has already been provisionally released in favour of the petitioner on execution of surety bond. Therefore, as per the submission of learned counsel for the petitioner since he has not challenged the F.I.R., the



impression given to this Court on the last date was not what he is submitting at this stage.

It is also brought to the notice of this Court that presently no confiscation proceeding has been initiated against the vehicle in question, therefore, in the opinion of this Court, the issue as to whether the Collector-cum-District Magistrate can initiate a confiscation proceeding or not which is under challenge before Division Bench of this Court in L.P.A. No. 1647/2015, is not an issue presently in this case the petitioner will have a remedy as and when any confiscation proceeding is initiated against the vehicle in question.

In the aforesaid view of the matter, there is no need to keep this application pending before this Court, and hence, the Writ Application is presently disposed off as having become infructuous.

The apprehension expressed by learned counsel that on disposal of the writ application his provisional possession of the vehicle may be disturbed is totally uncalled for.

(Rajeev Ranjan Prasad, J.)

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