

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1318 of 2018

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Subhawati Devi wife of Manoj Kumar Rai Resident of village Karariya Police
Station Gopalganj, District Gopalganj

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer
Protection Department, Government of Bihar, Patna
2. The District Magistrate/Collector, Gopalganj, District Gopalganj
3. The Block Supply Officer, Block Gopalganj, District Gopalganj
4. The District Supply Officer, Gopalganj, District Gopalganj
5. The Block Development Officer, Block Gopalganj, District Gopalganj
6. The Officer in Charge, Gopalganj Police Station, Police Station Gopalganj,
District Gopalganj
7. The Sub Divisional Officer, Gopalganj Sub Division Gopalganj, District
Gopalganj

.... Respondents

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Appearance :

For the Petitioner : Mr. Shambhu Sharan Singh,
Mr. Umesh Kumar Singh, Advocates
For the Respondents : Mr. Arvind Ujjwal, SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 31-01-2018

Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

2. The present writ petition has been filed for the
following reliefs –

*“(i) An appropriate writ in the nature of certiorari for
quashing the order dated 08.12.2017 passed by the
respondent no. 2 in Confiscation Case No. 383/2017 as
contained in Annexure-3 whereby and whereunder the
respondent no. 2 has confiscated the Tractor and Trolley
of the petitioner on the ground that the same was used*



for the purpose of committing an offence under the section 6(B) of E.C. Act.

(ii) An appropriate writ in the nature of Mandamus directing the respondent no. 2 to release the Tractor and Trolley bearing Registration No. BR 28 GA 0469 belonging to the petitioner during the pendency of the present writ application.

(iii) Any other writ/writs, order/orders or direction/directions as the facts and circumstances of the case may require and deemed fit by this Hon'ble Court may also be issued."

3. Learned counsel for the petitioner submits that the petitioner is the owner of the vehicle seized and the same is perishable in nature and is likely to deteriorate in the near future.

4. Learned counsel for the respondents appears and has been heard.

5. Having regard to the nature of prayer of the petitioner, this Court directs that the vehicle bearing registration no. BR 28 GA 0469 seized in connection with Gopalganj P.S. Case No. 374/2017 be released in favour of the petitioner within a period of four weeks from the date of receipt/production of a copy of this judgment upon furnishing sufficient security, 5% of which should be in the form of cash/bank guarantee to the satisfaction of learned Sub-Divisional Judicial Magistrate, Gopalganj on proper verification of the ownership of the vehicle in question. Such release shall be subject to the final



result of Gopalganj P.S. Case No. 374/2017 as well as Confiscation Case No. 383/2017.

6. The writ petition stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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Transmission Date	N.A.

