

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.139 of 2019

Arising Out of PS. Case No.-77 Year-2018 Thana- KURSAILA District- Katihar

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Deepak Kumar @ Deepak Kr. Sah son of Prakash Sah, Resident of Village-
Debipur Muradpur, P.S.-Kursela, District - Katihar

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Govt. Of Bihar
2. The District Magistrate, Katihar
3. The Superintendent of Police, Katihar
4. The Officer in charge, Kursela Police Station, Katihar

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Ratnakar Ambastha, Advocate
For the Respondent/s : Mr. Vikash Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 25-01-2019

Heard learned counsel for the petitioner and learned counsel for the State.

2. This writ petition has been filed by the petitioner for directing the respondent to release the Tempo bearing Registration No. BR11 T-3776, which has been seized in connection with Kursela P. S. Case No. 77 of 2018 registered under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

3. On query, learned counsel for the petitioner submitted that till date, no confiscation proceeding has been



initiated against the vehicle in question. He also admitted that no application for release of the vehicle has been filed before the learned Sub-Judge before whom the criminal trial is pending.

4. In view of an equally efficacious statutory remedy under Section 451 of the Code of Criminal Procedure being available to the petitioner for redressal of his grievances, I am not inclined to entertain this writ petition in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India.

5. Accordingly, the writ petition is dismissed with liberty to the petitioner to move before the court below first for the relief prayed in the present writ petition.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.01.2019
Transmission Date	29.01.2019

