

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.5305 of 2018

In
Criminal Writ Jurisdiction Case No.1945 of 2017

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Chandrashekhar Singh S/o Vijay Kumar Singh Vill.- Guraila, P.s.- Indrapuri,
Distt.- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar Through Sri Principal Secretary Department Of Excise Bihar, Patna
2. Sri Amir Subhani, Principal Secretary Department Of Excise Bihar, Patna
3. Sri Pankaj Dixit The District Magistrate, Rohtas, Sasaram
4. Sri Faiyaz Ahmad Inspector Excise Department, Rohtas, Sasaram

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Singh, Advocate
For the Opposite Party/s : Mr. Anil Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 06-11-2019 The present contempt petition has been filed on

the ground that the order dated 13.08.2018 passed by

this Court in C.W.J.C. No. 1945 of 2017 has not been

complied with.

By the aforesaid order, this Court had directed

that pending initiation or finalization of the confiscation

proceeding, the vehicle of the petitioner be released in

his favour subject to certain conditions.

It has been submitted on behalf of the opposite



party/proposed contemnor that before the order was passed, the confiscation proceeding had already been finalized and the vehicle stood confiscated.

The order dated 13.08.2018 is very clear in its import that the release was only subject to initiation or finalization of the confiscation proceedings.

It further appears and is also submitted by the learned counsel for the petitioner that the order was passed in the absence of the counsel for the petitioner and only on the basis of submissions advanced on behalf of the counsel for the State. The counsel for the State also at that time was not aware of the exact status of the confiscation proceeding.

In that view of the matter, it cannot be said that the opposite party has committed any contempt of this Court as the order of which the contempt is alleged is clear and unambiguous that such order would be given effect to only in case a proceeding has not been initiated and if initiated, it has not been finalized. Such a



conditional order was passed in view of the pendency of a case under the caption Rahul Kumar @ Rahul vs. State of Bihar & Ors. for adjudication before this Court.

No contempt of the order passed by this Court is made out. There is no reason why this petition be kept pending and therefore it is consigned. Needless to state that the petitioner shall have the liberty to challenge the order of confiscation before appropriate forum.

(Ashutosh Kumar, J)

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