

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6080 of 2019

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Mohan Kumar Son of Suresh Saw, Resident of Village-Simartalla, Police Station-Sikandra, District-Jamui

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Old Secretariate, Patna.
2. The District Magistrate, Lakhisarai.
3. The Superintendent of Police, Lakhisarai.
4. The S.D.O., Lakhisarai.
5. The Assistant District Supply Officer, Lakhisarai.
6. The Officer-in-charge, of Halsi Police Station Under District-Lakhisarai

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 19-07-2019 Petitioner has moved this Court under Article 226 of the Constitution of India for a direction to release the vehicle. It appears that a confiscation proceeding has already been initiated and the same is pending before the District Magistrate, Lakhisarai (Respondent No. 2).

This Court has expressed its opinion with regard to similar matters in its order dated 29.04.2019 passed in C.W.J.C. No. 19520 of 2018. After the decision of the Hon'ble Full Bench of this Court, this Court has been consistently taking a view that unless it is a case of gross injustice and non-observance of the procedure in the confiscation case, this Court



would not be entertaining the writ application directly for release of the vehicle. In this case also it appears that the petitioner has not moved before the respondent no. 2 for the provisional release of the vehicle and has moved directly before this Court.

This writ application is being disposed off with a liberty to the petitioner to file an appropriate application seeking provisional release of the vehicle in question in the confiscation proceeding before the respondent no. 2 within a period of 15 days from today and in case such an application is filed before the respondent no. 2, the same will be considered and disposed off within next 30 days from the date of filing of the said application. The respondent no. 2 shall consider the application keeping in mind the judicial orders of this Court in similar matters.

(Rajeev Ranjan Prasad, J)

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