

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6382 of 2019

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M/s Dashmesh Logistic Pvt. Ltd. having its office at A-110, Sector-83
Hosiery Complex, Phase-II, Noida G.B. Nagar U.P. through one of the
Director Bir Singh Chauhan, aged about 56 years (Male) S/o Mangey Ram
... .. Petitioner

Versus

1. The State of Bihar through the Principle Secretary Food and Consumer
Protection Department, Bihar, Patna
2. The Collector Gaya
3. The Block Supply Officer Khizersarai, Gaya

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondent/s	:	Mr. Alok Ranjan, AC to AAG 5 Mr. Anisul Haque, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-11-2019 Learned Senior Counsel representing the petitioner

submits that against the Truck in question the confiscation
proceeding being Confiscation Case No. 31 of 2018 has been
initiated before the Collector, Gaya (respondent no. 2).

It is submitted that in view of the opinion expressed in
several cases after the judgment of the Hon'ble Full Bench, he
may be permitted to withdraw this writ application and file an
appropriate application before respondent no. '2' for provisional
release of the vehicle in question.

Learned counsel for the State submits that he has
instruction to say that the truck in question has already been
confiscated. There is, however, a confusion between two learned



counsel representing the State relating to basis of their instructions with regard to finalisation of the Confiscation Case no. 31 of 2018 out of which another writ application being C.W.J.C. No. 6175 of 2019 has been disposed of by this Court today itself.

Be that as it may, this Court grants liberty to the petitioner to file an appropriate application for provisional release of the vehicle in question before the respondent no. 2 if the confiscation proceeding is still pending.

In case the final order of confiscation has already been passed, the petitioner will be at liberty to file an appeal against the said order in accordance with law.

In case the application for provisional release of the vehicle in question is filed in the confiscation case still pending before respondent no. 2, the application preferred by the petitioner shall be considered as early as possible, preferably within a period of 30 days from the date of filing of the application.

The writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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