

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7712 of 2019

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Abhishek Kumar S/o Nand Kishor Singh r/Vill.- Dubey Bigha, P.o.- Kara,
P.s.- Obra, Distt.- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary-cum-Mines Commissioner, Mines and Geological Department, Govt. of Bihar, Patna
2. The Collector Aurangabad
3. The Superintendent of Police Aurangabad
4. The Enforcement Officer District Mining Office, Aurangabad
5. The S.H.O. Barun Police Station, Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Suresh Mishra
For the Mines	:	Mr. Naresh Dixit, Spl. P.P., Mines
For the State	:	Mr.Gyan Prakash Ojha (Ga7)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 12-04-2019

Heard the learned counsel for the petitioner and the State.

This writ petition has been filed for issuance of writ/writs, order/orders, direction/directions in the nature of mandamus commanding the respondent/respondents to release the vehicle, namely, Swaraj Tractor bearing Registration No. BR 26GA 5914 with Trailer (Dala) along with sand in favour of petitioner, which has been seized in connection with Barun P.S. Case No. 205/2018.

Learned counsel for the petitioner has submitted that tractor of the petitioner loaded with sand has been seized although petitioner was holding valid *challan* at the time of seizure.



Learned counsel for the State has submitted that confiscation proceeding has not yet been initiated. Petitioner has alternative remedy under Section 451 of the Cr.P.C. to move before the Court below for release of his tractor.

In such circumstances, this writ petition is disposed off with direction to the petitioner to file necessary petition before the Court below under Section 451 Cr.P.C. for release of the tractor. The Court below will pass appropriate order in accordance with law within a period of one month of filing of the petition by the petitioner after taking into consideration that continuous lying of tractor in the open sky will amount to damage. In the event the petitioner is holding valid *challan* for carrying sand on the tractor, the seizure of tractor will cause unnecessary loss to petitioner.

(Sanjay Priya, J)

rakhi/-

AFR/NAFR	AFR
CAV DATE	N.A.
Uploading Date	17.04.2019
Transmission Date	

