

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8504 of 2019

=====

Naresh @ Naresh Kumar, aged about 41 years, Male, Son of Jai Singh,
Resident of Village and P.S.- Guhna, District- Sonipat (Haryana).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Bihar, Patna.
2. The District Magistrate, Banka.
3. The Superintendent of Police, Banka.
4. The Sub Divisional Officer, Banka.
5. The Block Supply Officer, Banka.
6. The Officer in Charge Belhar P.S., District- Banka.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate
For the Respondent/s : Mr. U.P. Singh, A.C. to S.C4

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 15-10-2019 After some argument, learned counsel for the petitioner submits that he may be allowed to withdraw this writ application with liberty to file an appropriate application in the court below for release of the Trucks in terms of Section 451 read with Section 457 of the Code of Criminal Procedure.

Learned counsel submits that he is looking for only observation that in case such an application is preferred in the court below the same will be considered keeping in mind the views expressed by the learned Co-ordinate Bench of this Court in C.W.J.C. No. 14511 of 2013.

Learned counsel further submits that till date no



confiscation proceeding has been initiated, therefore, the application will be maintainable before the court below.

Learned counsel for the State submits that he would have no objection if the petitioner avails his remedy available to him before the regular court in terms of the provisions of the Code of Criminal Procedure but in the given facts the jurisdiction of the constitutional court need not be exercised.

Having heard learned counsel for the petitioner and the State, this writ application is being disposed off with liberty to the petitioner to file an appropriate application before the regular court in terms of the Code of Criminal Procedure as stated above and prays for release of the Trucks as the case may be. If such an application is filed in the court below and it is found that no confiscation proceeding is pending, the same shall be considered by the court below keeping in mind the judicial pronouncements on the subject with some urgency and such application will be disposed off preferably within a period of 30 days from the date of filing of the application.

The writ application disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U			
---	--	--	--

