

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8796 of 2019

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Narayan Prasad Singh Son of Late Gore Lal Singh, R/o Ward No. 16, Dinkar Nagar Professor's Colony, Begusarai, P.O. and District- Begusarai.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
3. The District Magistrate Nalanda at Biharsharif.
4. The Sub Divisional Officer Rajgir, District- Nalanda.
5. The Superintendent of Police, Nalanda.
6. The Deputy Superintendent of Police, Nalanda.
7. The Officer- In- Charge of Giriyak Police Station, Nalanda.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-07-2019 Petitioner in the present case is seeking a direction to the respondent authorities to release the seized Milk Tanker bearing Registration No. HR55M/1158 which was seized by the police on 30.01.2019 in connection with Giriyak P.S. Case No. 21 of 2019.

Learned counsel for the petitioner submits that no confiscation proceeding has been initiated for confiscation of the vehicle in question.

This is a case in which the vehicle in question has been seized by police on 30.01.2019 in connection with Giriyak P.S. Case No. 21 of 2019 registered under Section 7 of the Essential



Commodities Act.

Learned counsel for the State submits that if no confiscation proceeding has been initiated as has been stated in the writ application, the petitioner can maintain an application under Section 451 read with Section 457(2) of the Cr.P.C. before the learned Chief Judicial Magistrate/Judicial Magistrate 1st Class where the police has submitted the seizure list of the vehicle.

In the aforesaid view of the matter, learned counsel for the petitioner submits that he would avail the statutory remedy available to him under the Code of Criminal Procedure.

In case, the petitioner applies for the statutory remedy, as above the court below shall pass an appropriate order thereon in accordance with law within a period of 30 days from the date of filing of the application. In case it is found that a confiscation proceeding has already been initiated, the petitioner may file an appropriate application for provisional release of the vehicle before the District Magistrate, Naland at Biharsharif (Respondent No. 3) and the District Magistrate shall also consider the application within the stipulated period.

This writ application stands disposed off.

(Rajeev Ranjan Prasad, J)

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