

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16193 of 2019

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Ravi Kumar Son of Madhusudan Prasad, Resident of Baratpur Mohalla- Ward
No. 30, P.S. and District- Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supplies
Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Aurangabad.
3. The Civil S.D.O., Aurangabad.
4. The Block Supply Officer, Madanpur.
5. The Officer In-charge, Madanpur P.S., Aurangabad.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Respondent/s : Mr.Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner in the present case is seeking release of the
Truck bearing Registration No. BR26GA-5114, Chasis No.
MAT541089J1H24811, Engine No.
ISBE5.91804081H63721319 in connection with Madanpur P.S.
Case No. 130 of 2019 registered for the offences punishable
under Section 419/420 of the Indian Penal Code read with
Section 7 of the Essential Commodities Act, 1955.

After the Hon'ble Full Bench judgment of this
Court in the Case of **Baleshwar Roy and Anr Vs. The State of**



Bihar and Ors reported in **2018 (4) PLJR 970** this Court has been consistently taking a view that wherever no confiscation proceeding has been initiated in respect of the vehicle, the petitioner may file an appropriate application before the court below for release of the vehicle and in case where a confiscation proceeding has been initiated, application for release may be filed before the Confiscating Officer.

In the present case learned counsel for the petitioner submits that no confiscation proceeding has yet been initiated.

In that view of the matter, learned counsel for the State submits that petitioner may apply for provisional release of the vehicle in the court below itself in terms of Section 451 of the Code of Criminal Procedure.

In the given facts and circumstances, since the petitioner has a statutory remedy by filing an appropriate application in the court below for provisional release of vehicle in question, this writ application is being disposed off with liberty to the petitioner to file an appropriate application in the court below itself. In case such an application is filed on behalf of the petitioner, the same will be considered by the court below and an appropriate order thereon shall be passed within a period of 30 days from the date of filing of the application.



This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

vats/ved

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