

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16269 of 2019

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M/s Umesh Singh a Partnership firm having its place of business at Village Mausadpur, PO Tilrath, PS Barauni, Dist. Begusarai through one of its partners namely Umesh Singh male aged about 59 years S/o Late Jhapsu Singh, R/o Village Mausadpur, PO Tilrath, PS Barauni, Dist. Begusarai

... .. Petitioner

Versus

1. The State of Bihar through the District Magistrate-cum-Collector, Begusarai
2. The Sub-Divisional Officer, Sadar Begusarai
3. The Block Supply Officer, Barauni, Begusarai
4. The Superintendent of Police, Begusarai
5. The Officer-in-Charge, Barauni (Refinery) Police Station, Begusarai.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Gautam Kumar Kejriwal, Advocate Mr. Atal Bihari Pandey, Advocate Mr. Alok Kumar Jha, Advocate Mr. Pawan Kumar Singh, 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 30-08-2019 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 Tanker and the Diesel loaded thereon 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 as contained in Annexure '7' to the writ application.

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 vehicle and diesel 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)

vats/ved

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