

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5557 of 2020

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Lalan Sah @ Lalan Prasad S/o Baidyanath Prasad @ Baidhnath Prasad
Resident of Village- Bedivan Madhuban, P.S.- Pipra, District- East
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Food and Civil Supply Government of Bihar, Patna.
2. The District Magistrate, East Champaran at Motihari.
3. The Superintendent of Police, East Champaran at Motihari.
4. The Block Supply Officer, Chakia, East Champaran at Motihari.
5. The Station House Officer, P.S.- Chakia, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar, Advocate
For the State : Mr.Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 25-09-2020

Heard learned counsel for the petitioner and learned
counsel for the State through video conference.

2. The following reliefs as formulated by the petitioner
have been claimed in the writ petition--

“(i) For issuance of writ/s in nature of mandamus directing to the District Magistrate (Respondent No.2) to release the Bolero Pickup bearing its Registration No.-BR-05G-4921 which was seized by Pipra Police Station case no. 316/2018 for the offences u/s 7 of the EC Act.



(ii) For issuance of any other writ/s, order/s, direction/s for which the petitioner is legally entitled to.

(iii) During the pendency of this writ petition, confiscation proceeding if any may kindly be stayed.”

3. At the very outset, this Court takes note of the statement made in paragraph 11 of the writ petition that Confiscation Case No. 24/2019 relating to the vehicle has been initiated.

4. Having heard the parties, this Court is not inclined to interfere in the matter at this stage, moreso in view of the provisions of Section 6E of the E.C. Act in terms of which the Collector has exclusive jurisdiction in the matter of “possession, delivery, disposal, release or distribution” of essential commodities which are subject-matter of confiscation proceeding.

5. The writ petition is accordingly disposed of, granting liberty to the petitioner to approach the Collector, East Champaran at Motihari (respondent no.2) with an appropriate petition for release of his vehicle. If any such petition is filed within a period of two weeks from today, the same shall be disposed of within a further period of two weeks thereafter on it



own merits in accordance with law after grant of an opportunity of hearing to the petitioner.

6. It is also made clear that in view of the ongoing Covid-19 pandemic, any correspondence between the parties may be made through e-mail and that the petitioner shall be at liberty to request the concerned authority for hearing through video conference. For this purpose, the petitioner shall furnish his mobile number and e-mail ID to the concerned authority in the petition permitted to be filed as aforesaid.

(Vikash Jain, J)

HR/Ibrar

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.09.2020
Transmission Date	N/A

