

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24056 of 2019

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Minku Dubey Son of Awadh Bihari Dubey, Resident of Village-Tetua, P.S. Atri, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The District Magistrate, Gaya (Bihar).
3. The Senior Superintendent of Police, Gaya (Bihar).
4. The Officer Incharge, Buniyadganj Police Station, District-Gaya (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh
For the Respondent/s : Mr.Kumar Pankaj, AC to SC 5

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
and
HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

2 06-01-2020 Heard Mr. Arvind Kumar Singh, learned Counsel for
the petitioner and Mr. Kumar Pankaj, learned AC to SC 5.

Learned Counsel for the petitioner submits that the vehicle in question has been released in favour of the petitioner, therefore, this application has, now, become infructuous. He, accordingly, seeks permission to withdraw the present writ application.

The present writ application has been filed for release of Mahindra Bolero vehicle in favour of the petitioner, bearing Registration No. BR02PA-1327, which was seized in connection



with Buniyadganj Police Station Case No. 151 of 2017, registered for the offences punishable under Sections 279/427 of the Indian Penal Code and Sections 30(a) (c) (d) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018. Subsequently, Confiscation Case No. 358 of 2017 was initiated.

It is submitted by learned State Counsel that since it was a case of drunken driving, the confiscation proceeding was closed. Statement to this effect has been made in paragraph 5 of the counter affidavit, which reads as follow:-

“That in the said Excise Confiscation Case 358/17 the petitioner appeared and a petition has been filed on his behalf claiming release vehicle in question. A report in the matter was called for from Senior Superintendent of Police, Gaya, who vide his letter no. 2207 dated 09.11.2019, informed that no incriminating article was recovered from the vehicle in question and hence confiscation of the vehicle in question will not be in accordance with rules. Thereafter by order dated 26.11.2019, further proceeding of the Excise Confiscation Case no. 358/17 was closed and a direction was made to the Senior Superintendent of Police, Gaya and also to S.H.O. of Buniyadganj Police Station to



release the vehicle in question in favour of the petitioner-owner.”

It is further submitted that the vehicle in question has been released in favour of the petitioner and statement to this effect has been made in paragraph 6 of the counter affidavit, which reads as “*That the vehicle of the petitioner has been released in favour of the petitioner on 12.12.2019 by Buniyadganj Police Station*”.

This writ application is accordingly disposed of as withdrawn having become infructuous.

(Dinesh Kumar Singh, J)

(Anil Kumar Sinha, J)

Prabhakar Anand/-

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