

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.304 of 2020

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Md. Asgar Ali Son of Sikander Khalipha, Resident of Mohalla-Dhibra, Ward No. 4, Bikramganj, P.S.-Bikramganj, District-Rohtas, PIN-802212, (Bihar).

... .. Petitioner/s

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The relief, prayed for by learned counsel for the petitioner, as stipulated in paragraph No.1(i) of the writ application reads as follows :-

“1. (i) To release the vehicle “Mahindra Bolero” Jeep bearing registration number BR 26E 2361, in favour of the petitioner provisionally on furnishing security bond, which was seized in connect

It is submitted by learned counsel for the State that Confiscation Proceeding with regard to the vehicle in question has already been initiated, being Confiscation Case No.95 of 2017 and the same is pending before Respondent No.03, the Collector-cum-District Magistrate, Rohtas. In such circumstances, learned counsel for the respondent-State has no objection if the writ application is disposed of directing the concerned respondents to conclude the confiscation proceeding within a time frame, if the same has not been concluded.

of this Court in the case of **Baleshwar Roy Vs. The State of Bihar and Ors** , 2018(4) PLJR 970, held as follows:

“62. It may, however, be added that Article 226 of the Constitution of India provides power to the High Court to issue writs to any person or authority, including in appropriate cases, any Government

establishing that substantial injustice has or is likely to ensue, such extraordinary powers can be exercised. It needs no adumbration by this date that the plenary powers of the High Court have only to be exercised in the interest of justice.

64. Thus, an order of release may be passed under Article 226/227 of the Constitution of India, even pending confiscation proceedings, but only when it is established before the Court that the procedure

2017 itself, which suggests the callous manner in which the quasi-judicial proceeding is being conducted.

In view of the discussion made above, respondent No.3 is expected to conclude the proceeding of Confiscation Case No.95 of 2017, within a period of four weeks of receipt or production of the order in accordance with law.

The petitioner is also expected to appear regularly and participate in the confisc