

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6873 of 2020

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Gorelal Sah @ Gorelal Saw S/o Late Jhaksu Saw @ Jhaksu Sah Resident of
Village-Hansu Mandal (Singh) Tola P.S.-Harinmar, District-Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Supply Department, Govt. of Bihar, Patna.
2. The Collector-Cum-District Magistrate, Munger, District-Munger.
3. The Sub-Divisional Officer, Munger, District-Munger.
4. The Superintendent of Police, Munger, District-Munger.
5. The Block Supply Officer, Bariarpur Block, P.S.-Bariarpur, District-Munger.
6. The Officer-Incharge of Harinmar Police Station, District-Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary, Advocate
For the Respondent/s : Mr. Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 15-11-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- (i) For issuance of writ of certiorari in quashing
of the order dated 19.3.2019 passed by Sri
Akhilesh Pandey, learned S.D.J.M., Munger in
Harinmar P.S. Case No.25/2016 (contained in
Annexure 3).



(ii) For issuance of an appropriate writ, order or directions including writ in the nature of mandamus commanding the respondents to release the motorcycle of the petitioner bearing number as BR341-8512, Engine No.HASOEJEHL23373, Chassis No.MBLHIA1-0AMEHL79967 model Hero Motorcycle Splendor Plus CBS3 which was seized by the Block Supply Officer, Bariarpur and handed over to the Officer-Incharge, Harinmar police station on which K.oil was loaded.

(iii) For issuance of any other writ, order or direction for which petitioner is legally entitled.

It is submitted by learned counsel for the petitioner that he is the owner of the seized vehicle (motorcycle) which has been seized by the police in Harinmar P.S. Case No. 25 of 2016 dated 24.12.2016 under Section 7 E.C. Act (Annexure-1) on a written complaint filed by Block Supply Officer that petitioner Gorelal Sah, Kirana Shop Keeper was carrying two Jar K. oil on the motorcycle which was meant for distribution under PDS but was being carried for black marketing by the petitioner and, as such, case was instituted under 7 E.C. Act and the motorcycle



and Jar containing K. oil were seized.

Petitioner filed an application for release of his motorcycle before the learned S.D.J.M., Munger, who rejected his petition by impugned order dated 19.03.2019 as the confiscation proceeding has been initiated against said motorcycle by the District Magistrate, Munger.

In the facts and circumstances of the case, this writ petition is disposed of with liberty to the petitioner to file a petition before the District Magistrate-cum-Confiscating Authority, Munger for provisional release of his vehicle (motorcycle), during pendency of confiscation proceeding and if any such application for provisional release of the vehicle (motorcycle) is filed, same be disposed of within 30 days of its filing.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Sanjay

AFR/NAFR	
CAV DATE	
Uploading Date	22.11.2021
Transmission Date	

