

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10374 of 2020

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Lalu Sav (Male), aged about 58 years, S/o- Lutan Sav, Resident of Village-
Urain, P.S.- Kajra, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The District Magistrate, Lakhisarai.
3. Block Supply Officer, Block- Surajgarha, District- Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Raju, Advocate
For the State : Mr. AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 30-01-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Dharmendra Kumar Raju, learned counsel
for the petitioner and learned AC to AAG 5 for the State.

3. The petitioner has moved the Court for the following
relief:

“That the instant application is being filed for issuance of writ of Mandamus commanding the respondents to release petitioner’s vehicle Tata ‘S’ (Pick-up Van) bearing Registration No. BR53G/1991 its rightful owner its seized in Kajra P.S. Case No. 72/2020 by Block Supply Officer, Surajgarha without any valid reason or issue such appropriate writ/writs, direction/directions or pass such other order/orders which may be found just and proper.”

4. Learned counsel for the State raised a preliminary
objection that as confiscation proceeding has started, the petitioner



has statutory remedy of moving before the District Magistrate, Lakhisarai, who even has power for provisional release.

5. Faced with the situation, learned counsel for the petitioner submitted that the application be disposed off with liberty to the petitioner to move before the District Magistrate, Lakhisarai with regard to release of his vehicle.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the writ petition stands disposed off with liberty to the petitioner to move before the District Magistrate, Lakhisarai (respondent no.2) for release of his vehicle pending final adjudication in the confiscation case.

7. If such application is filed within four weeks from today, along with a copy of this order, the respondent no. 2 shall pass a reasoned order on merits, in accordance with law, within six weeks from the date of filing of such application before him.

8. The Court would only observe that it has not expressed any opinion on the merits of the matter.

(Ahsanuddin Amanullah, J)

Anjani/-

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