

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5087 of 2021

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Ginita Devi W/o Gaurav Kumar Saw R/o Maharajganj, Maliya Mahadev,
Patna City, P.S.- Alamganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Bihar, Patna.
2. The District Magistrate, Patna.
3. The Superintendent of Police, Patna.
4. The Sub Divisional Officer, Patna Sadar, Patna.
5. The Block Supply Officer, Patna Sadar, Patna.
6. The Officer in Charge Patrakar Nagar Police Station, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Adv
For the Respondent/s : Mr. S. Raza Ahmad (AAG-5)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

3 25-01-2022 This application has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

The petitioner's vehicle (Mahindra Tempo), bearing Registration No. BR01-GG-2187, has been seized by the police in connection with Patrakar Nagar P.S. Case No. 245/2020 for the offences punishable under Section 7 of the Essential Commodities Act, 1955.



This application has been filed seeking direction to the respondents to release the said vehicle. It has been stated in paragraph 7 of the writ petition that on the date of filing of the writ petition, no confiscation proceeding was initiated. This writ petition was filed in January, 2021.

Learned counsel for the petitioner has submitted that he does not have instruction, as to whether, by now any confiscation proceeding has been initiated or not.

Be that as it may, considering the nature of relief which the petitioner is seeking, this application is disposed of with a liberty to him approach either the confiscating authority if the confiscation proceeding is pending or before appropriate forum if no confiscation proceeding is pending, for the release of her vehicle. It is however indicated that no question of release of the vehicle would arise, if in the meanwhile, confiscation proceeding has ended with a final order passed by the confiscating authority, unless otherwise ordered by any superior authority in accordance with law.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

SUMIT/-

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