

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1030 of 2020

In
Civil Writ Jurisdiction Case No.16664 of 2019

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Uttam Saw @ Uttam Prasad Gupta @ Uttam Gupta, Son of Babulal Saw,
Resident of Village- Sunderpur, Police Station- Hemjapur, District- Munger.
... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary Department of Food and Civil Supply, Govt. of Bihar, Patna.
2. The State of Bihar through the Principal Secretary Department of Food and Civil Supply Govt. of Bihar, Patna.
3. The District Magistrate-Cum-Collector, Lakhisarai.
4. The Superintendent of Police, Lakhisarai.
5. The Sub Divisional Officer, Lakhisarai.
6. The Block Supply Officer, Suryagarha.
7. The Officer-in-Charge of Kajra, P.S.-Suryagarha, District-Lakhisarai.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Jainendra Kumar, Advocate
For the State : Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 21-12-2022 This is a defect free case.

Mr. Alok Ranjan, learned AC to AAG-5 appears for
the State.

This application has been filed seeking modification
of the order dated 22.10.2019 passed in CWJC No. 16664 of
2019 by which this Court had directed the District Magistrate-
cum-Collector, Lakhisarai to take a decision on the application
filed by the petitioner for release of the vehicle before the
Confiscating Authority.

It appears from the modification application that at the



relevant time, the Dy.S.P., Lakhisarai had filed a counter affidavit on 15.10.2019 but in the said affidavit, he had not disclosed that the confiscation had already been disposed of.

Perusal of the records shows that the District Magistrate-cum-Collector, Lakhisarai had disposed of the Confiscation Case No. 59 of 2018 vide order dated 06.09.2019 and on the date the writ application was taken up for consideration and no proceeding was pending.

This Court finds that since the confiscation proceeding has already been disposed of by the Collector-cum-District Magistrate, Lakhisarai, the petitioner may seek his remedy against the said order, as may be advised, in accordance with law. Nothing remains for this Court to modify its order.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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