

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19151 of 2021

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Mithun Kumar Son of Shri Surendra Prasad Permanent resident of Tharthari
Bazar, P.O. - Raipur Kol Bigha, P.S. - Tharthari, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Senior Superintendent of Police, Patna.
3. The District Magistrate, Patna.
4. The Sub Divisional officer, Patna.
5. The Assistant District Supply officer, Patna Sadar, Patna.
6. The Supply officer, Patna.
7. The Officer Incharge, Sachiwalaya Police Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar
For the Respondent/s : Mr. Lalit Kishore (AG)

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

2 22-03-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

The brief facts of the case are that 27 bags of wheat
were found loaded on the Bolero pick-up van. On inspection, it
was found that the said food-grains were kept in plastic bags
which were hand-stitched and the total weight of wheat in the
said bags was found to be 13.50 quintal. On enquiry, the name



of the driver of the vehicle was disclosed as Dharmendra Kumar. The pick-up van was thus seized and the driver of the vehicle namely, Dharmendra Kumar was arrested and FIR bearing Sachiwalaya P.S. Case No. 107 of 2021 was registered.

The grievance of the petitioner is that the vehicle is lying in an open area and getting damaged day by day.

A query has been put to learned counsel for the petitioner about the remedy available to him before the District Magistrate, Patna, he submits that he has not availed that remedy till now.

In view of the above, we dispose off the writ petition with liberty to the petitioner to avail the appropriate alternative remedy, i.e. by way of approaching the District Magistrate, Patna, in the ongoing Confiscation Case, within a week from today. In case he does so, the District Magistrate, Patna shall dispose off the application at the earliest, in any case not later than 10 days.

However, the petitioner shall be at liberty to cite any judgment before the authority concerned which he seeks to place reliance upon.

At this juncture, the learned counsel for the petitioner has brought to our notice that he has inadvertently stated in



paragraph no. 18 of the present petition that the petitioner is not named in the FIR but the fact is that his name does appear. This statement at the Bar is taken on record.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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