

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.775 of 2017

Arising Out of PS. Case No.-9 Year-2017 Thana- ASHTHAWAN District- Nalanda

Mithilesh Kumar

... .. Petitioner/s

Versus

The State Of Bihar Through The Chief Secretary, Government Of Bihar and
Ors

... .. Respondent/s

Appearance :

For the Petitioner : Mr. Tej Narayan Singh, Advocate
For the Respondents : Mr. Vivek Prasad GP-7, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 14-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The State has filed a counter affidavit in which it has been averred that the truck in question was auction sold on 29.06.2017 by the officers which include the Officer-in-charge General Section, Nalanda, the Excise Commissioner, Nalanda at Biharsharif, the D.T.O, Nalanda and the District Magistrate Nalanda at Biharsharif for Rs. 15,02,000/- (Rupees Fifteen Lakhs and Two Thousand Only).

The order dated 29.06.2017 was passed by this Court for release the truck in question in presence of Mr. Manish Dhari Singh, learned counsel for the State during working hour of the Court and thereafter, the truck in question was auction sold in favour of a person, namely, Bablu Kumar. It seems that



despite having the knowledge of the release order passed by this Court, the truck in question was auction sold to the auction purchaser in hurried manner and it seems that all the Officers were hand in gloves with the auction purchaser.

The petitioner is directed to file a fresh supplementary affidavit in this case.

The Officer-in-charge General Section , Nalanda, the Excise Commissioner, Nalanda at BiharSharif, the D.T.O, Nalanda and the District Magistrate Nalanda at BiharSharif will personally appear in this Court on the next date of hearing along with the records of the case to explain their conduct/ misconduct.

List this case *on 20.03.2023 (Monday) for further hearing.*

Let a copy of this order be communicated to the District Magistrate, Nalanda at BiharSharif for its compliance through FAX and e-mail forthwith.

(Sandeep Kumar, J)

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