

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.987 of 2023

Arising Out of PS. Case No.-187 Year-2021 Thana- SHASTRINAGAR District- Patna

M/S Kumar Enterprises Through Its Proprietor Ajit Kumar Son of Devendra Prasad Resident of Mohalla - Kumharar, New Durga Mandir, P.S. - Agamkuan, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Bihar, Patna Bihar
2. The District Magistrate Cum District Collector, Patna Bihar
3. The Bihar State Educational Infrastructure Development Corporation Ltd. Bihar
4. The Deputy Superintendent of Police, Patna Bihar
5. The S.H.O. Shastri Nagar at Patna Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha, Advocate

For the Respondent/s : Mr. Iqbal Asif Niyazi, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-02-2024 Petitioner in this case has moved in writ application for setting aside the order dated 17.08.2022 passed by the learned District Magistrate, Patna in connection with E.C. Case No.55 of 2021-22.

2. By the impugned order, the seized goods and vehicle in connection with Shastri Nagar P.S. Case No.187 of 2021 have been confiscated on the ground that there are no claimants showing any proprietary rights over the seized articles.

3. The Essential Commodities Act, 1955 (hereinafter referred to as the 'Act of 1955') provides a statutory appeal under Section 6-C against an order of confiscation passed under

Section 6-A within one month from the date of communication of the order.

4. In view of the statutory appeal provided under the Act of 1955, learned counsel for the petitioner seeks permission to withdraw this application with liberty to file an appeal before the judicial authority appointed by the State government for purpose of Section 6-C of the Act of 1955 within a period of thirty days from today.

5. Learned counsel for the State has no objection to the same.

6. This application is permitted to be withdrawn with liberty as prayed for.

7. If such an appeal is preferred within a period of thirty days from today, the same shall be considered on its own merit and in case a question of limitation arises for consideration, the same will be considered keeping in view that the petitioner had moved this Court under some bonafide belief and was pursuing his remedy here.

(Rajeev Ranjan Prasad, J)

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