

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.294 of 2025

Arising Out of PS. Case No.-6 Year-2024 Thana- FALKA District- Katihar

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Rinku Kumari W/O Navin Kumar Resident of Zero Mile, Sabour Road, Jai Vihar Colony, Police Station- Zero Mile, Jharkhria, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Katihar. Bihar
2. The Collector- Cum- District Magistrate, Katihar. Bihar
3. The Sub- Divisional Officer, Katihar. Bihar
4. The Officer Incharge, Falka Police Station (Potiya O.P.), Distt.- Katihar. Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dharmesh Kumar
For the Respondent/s : Mr.S.C.11

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 01-07-2025 Heard the learned counsel for the petitioner and the

learned counsel for the State.

2. This writ petition has been filed for the following
reliefs:

1). To quash and set aside the order dated 27.9.2024 passed by the court of Collector-cum-District Magistrate, Katihar in 6A (EC) Case No. 61 of 2024-25 by which apart from other seized article petitioner Mahindra Bolero Pick-Up Van bearing Registration No.BR10GA1064, Chasis No.MAIZN2GHKE1A16421, Engine No.GHE1A12967 seized Article No.XXX11 has been directed to put on auction sale



ignoring and overlooking the fact that the above mentioned vehicle driver Rupesh Kumar without consent and approval of the petitioner (owner) on being approached by Sanjay Sah and Pappu Mandal to carry the consignment from godown on freight charges has parked the vehicle in Godown Campus in which drum were being loaded hence the stringent provisions of E.C.Act does not applied, hence the order of confiscation and auction sale is not legal and ultravires to the established principles.

ii. To command and direct the Respondents to release the Mahindra Bolero Pick-Up Van abovementioned on proper surety which has been seized in pursuance to the Falka (Pothiya) P.S.Case No.6 of 2024 dated 5.1.2024 alongwith other articles is in contravention to the established principles as the seizure order fails to disclose as to what statutory order issued Under Section 3 of the E.C.Act has been violated and in what manner so far the Mahindra Bolero Pick-Up Van above mentioned is concerned hence the impugned order is without jurisdiction.

3. This application has been filed in this Court without approaching the District Court.

4. In view of the above, this application is disposed of with a liberty to the petitioner to approach the District Court by



way of filing an application for his grievances within fifteen days from today and if such an application is filed by the petitioner then the same shall be considered by the Court below on merits within one month of its filing.

5. With the aforesaid direction, this application is disposed of.

(Sandeep Kumar, J)

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