

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.671 of 2019

Arising Out of PS. Case No.-86 Year-2008 Thana- ARA NAWADA District- Bhojpur

Nav Ratan Singh, S/o Chandrama Singh, R/o Malthar, P.S.- Udwant Nagar,
District- Bhojpur, Ara.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner : Mr. Awadhesh Kumar Pandey, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

13 09-12-2025 The present Criminal Revision petition has been preferred by the Petitioner against the impugned order dated 28.03.2019 passed by learned Additional Sessions Judge-VI, Bhojpur at Ara in Miscellaneous Appeal No. 23 of 2009.

2. In the said appeal, the Petitioner herein had challenged the confiscation of the seized articles under the E.C. Act by learned District Magistrate.

3. However, vide impugned order dated 28.03.2019, learned Additional Sessions Judge has dismissed the appeal, upholding the confiscation order of the District Magistrate. However, at this stage, learned counsel for the Petitioner informs that the Petitioner has been acquitted by the order dated 06.02.2018 by Special Judge E.C. Act for want of any



prosecution evidence on record, and hence, he is claiming the proceeds of auction after confiscation. As per further statement, the seized articles were rice and wheat. During auction, the Petitioner himself has purchased the auctioned articles for an amount of Rs. 1,59,295/-

4. Heard learned counsel for the Petitioner and Mr. Jharkhandi Upadhyay, learned APP for the State.

5. Learned counsel for the Petitioner submits that the Petitioner has been acquitted by the Special Judge and no appeal has been filed by the State till date even after lapse of the statutory period of filing appeal.

6. Learned counsel for the Petitioner also agrees that this petition has become infructuous at this stage and he may be given liberty to move before the District Magistrate for release of the auction proceeds.

7. Learned APP for the State submits that the present petition has become infructuous in view of acquittal of the Petitioner and new cause of action to move application before learned District Magistrate for release of the auction proceeds arose.

8. I considered the submissions of the parties and perused the material on record. In the light of Sections 6(a) and



6(c) of the E.C. Act, the Petitioner is required to file an application for release the auction proceeds of the confiscated articles before the District Magistrate himself because as per the provisions as provided under Section 6(a) and 6(c) of the E.C. Act, on acquittal, the auction proceeds is required to be paid back to the accused from whom the articles were seized.

9. Accordingly, the present petition is dismissed as infructuous and the Petitioner is at liberty to move an appropriate application before learned District Magistrate for release of the auction amount of articles which were seized from him. If such application is filed by the petitioner, concerned District Magistrate is directed to dispose of the application within one month of the filing of the application.

(Jitendra Kumar, J.)

Chandan/-

U		T	
---	--	---	--

