

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17036 of 2018

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Din Dayal Sah @ Deen Dayal Shah S/o Ram Dev Sah @ Ram Deo Shah,
Resident of Village- Dubisubhi, Barsoi, P.S.- Barsoi Sudhani, District-
Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principle Secretary Food & Consumer Protection Department, Bihar, Patna
2. The Collector, Katihar.
3. The Block Supply Officer, Barsoi, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad Sah, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal- SC4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 19-08-2025

1. The writ petition is filed for the following reliefs:

“ For a direction to release
BOLERO PIK UP FB bearing Registration
No. BR 11 S/4108 seized in connection
with Barsoi (Sudhani) Police Station Case
No. 280 of 2017, registered under section
7 of the E.C. Act on furnishing sufficient
surety to the satisfaction of Learned
A.C.J.M, 1st, Katihar on such term/terms as
deems fit and proper subject to result of



criminal case as well as confiscation case if any.”

2. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents and perused the records.

3. At the very outset, the Learned counsel for the respondents contended that since the similar issue involved in the present writ petition was already been decided by this Court vide order dated 25.07.2025 passed in **CWJC No. 18604 of 2018 (Shashi Bhushan Kumar VS. The State of Bihar & Ors.)**, this writ petition may also be disposed of on the same terms and conditions.

4. Having regard to the submissions made by the Learned counsel for the respondents as well as after perusal of the record of the case, the present writ petition stands disposed of in terms of the aforesaid judgment passed in **Shashi Bhushan Kumar (supra)** as there is an effective alternative remedies available under Section 451 of Cr.P.C. for the release or custody of property



during pendency of trial and it is for the petitioner to prefer an appropriate application before the competent criminal Court seeking custody or release of the seized property, pending the criminal proceedings. Therefore, this Court is of the considerable view that the Writ petition is not maintainable. However, the petitioner is at liberty to file an appropriate application before the concerned criminal Court for release of the seized property and the said Court shall pass an appropriate order in accordance with law without being prejudiced by any observation made in the Writ petition.

5. It is also clarified that the vehicle in question has been seized in a case which is pending before the competent Criminal Court and not before the District Magistrate. Therefore, as observed above, the petitioner shall approach the concerned criminal Court for redressal of his grievance.

6. With the aforesaid observations, the Writ petitions stands disposed of.



7. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.08.2025
Transmission Date	

