

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13839 of 2016

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Pradeep Kumar Jaiswal, Son of Late Ramji Sah, Resident of Village- Hata,
Police Station- Chainpur, District- Kaimur (Bhabhua).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Transport Department Bihar, Patna.
2. The District Magistrate, Kaimur at Bhabhua.
3. The Superintendent of Police, Kaimur at Bhabhua.
4. The District Transport Officer, Kaimur at Bhabhua.
5. The S.H.O., Durgawati Police Station, Kaimur at Bhabhua.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

Mr. Shrawan Kumar Singh

For the Respondent/s : Mr. Raghwendra Kumar- S.C.22

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR
DATTA

ORAL ORDER

5 17-10-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The writ application has been filed for quashing the order dated 20.07.2016 of the Collector-cum-District Magistrate, Kaimur at Bhabhua in Confiscation Case No. 05 of 2016-17, by which he has ordered to confiscate the Bolero vehicle of the petitioner seized in connection with Durgawati P.S. Case No. 162 of 2016 for the offences punishable under Section 279 of the Indian Penal Code, Sections 47 (a) and 53 of the Bihar Excise Act, 1915 and Section 185 of the Motor Vehicles Act and further for auction sale of the vehicle in question and for consequential direction.

In the present matter the petitioner had filed a petition for recalling the said order dated 20.07.2016, but the Collector did not pay any heed for the same.

However, a counter affidavit has been filed on behalf of the State respondents, in which it is stated that upon receipt of the representation of the petitioner, the matter was considered again by the Collector-cum-District Magistrate, Kaimur at Bhabhua and by the order dated 11.08.2016 he has rejected the said representation of the petitioner.

The petitioner has filed I.A. No.8000 of 2016 against the said order.

The order having been passed under the Bihar Excise Act, 1915, it is appealable under the provisions of Section 8 (2) read with Rule 3 of the Rules bearing No.471-F dated 15.01.1990.

In the aforesaid circumstances, the writ application is dismissed on the ground of availability of alternative statutory remedy to the petitioner. In case such an appeal along with an application for condonation of delay is filed by the petitioner within a period of three weeks from today, the same shall be considered by the appellate authority keeping in view the fact that the petitioner has been pursuing his remedy before this Court.

V.P.Sinha/-

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(Ramesh Kumar Datta, J)