

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16070 of 2018

Subodh Kumar S/o Late Nagina Prasad Singh, Resident of Village- Bahuara,
P.O.- Bidupur (R.S), P.S.- Rajapakar, District- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar, through the Principal Secretary, Excise Department, Bihar, Patna
2. The District Magistrate, Vaishali at Hajipur.
3. The Superintendent of Police, Vaishali at Hajipur.
4. The Sub-Divisional Officer, Hajipur, District- Vaishali.
5. The Sub-Divisional Police Officer, Hajipur, District- Vaishali.
6. The Officer-in-Charge, Hajipur Sadar Police Station, District- Vaishali.
7. The District Transport Officer, Vaishali at Hajipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha, Advocate
For the Respondent/s : Mr.Kumar Manish, SC-5,

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

2 21-01-2019 Heard Mr. Satya Prakash Sinha, counsel for the
petitioner and Mr. Kumar Manish, learned SC-5 for the State.

The writ petition is filed praying for writ in the nature of certiorari for quashing the order dated 27.06.2017 passed by the Collector, Vaishali at Hajipur in Cr.Misc.No.50 of 2017-18 by which vehicle bearing registration no.BR-31GA-2499 dated 12.03.2015, Chesis No.EIM88403, Engine No.GHEIM71417 has been seized in connection with Hajipur Sadar P.S.Case No.349 of 2016 registered under Section 47(A) of the Bihar Excise Amended Act, 2016.



Counsel for the petitioner very fairly submits that following the order, the auction has already taken place. In such view of the matter, we would simply permit the petitioner to question the confiscation order before the appellate authority in terms of the provision of the Act and it goes without saying that should the petitioner prefer an appeal within a period of 30 days from today to question the order of confiscation accompanied with the petition for condonation of delay, the appellate authority shall consider and dispose of the same in accordance with law on its own merits with opportunity of hearing to the petitioner without being prejudiced by the delay so caused and taking note of the pendency of the matter before this Court.

This writ application is disposed of.

(Jyoti Saran, J)

(Nilu Agrawal, J)

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