

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11209 of 2019

Sonu Kumar Suman, aged about 24 years (Male), Son of Keshav Prasad Singh, resident of Alam Nagar, Ward No. 7, P.S.-Alam Nagar, District-Madhepura

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna
2. The Excise Commissioner, Patna
3. The District Magistrate-cum-Collector, Madhepura
4. The Superintendent of Police, Madhepura
5. The Excise Inspector, Madhepura
6. The State House Officer (S.H.O.) Puraini Police Station, District-Madhepura

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Dr. Sanjay Kumar Singh, Adv.
For the Respondent/s : Mr.AC to GP-7

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAKESH KUMAR)

2 03-09-2019 Heard Sri (Dr) Sanjay Kumar Singh, learned counsel
for the petitioner and learned AC to Govt. Pleader no.7..

The present writ petition was filed, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, with a prayer to direct the respondents to release his vehicle i.e.Piaggio three wheeler Tempo, bearing registration no. BR 43P 6928, Chassis No.MBX0003BEWM773477, Engine No.S8M8933557, which was seized in connection with Puraini P.S. Case No.79 of 2019 registered for offence under Section



30(a) of Bihar Prohibition and Excise Act, 2016 (herein after referred to as 'Bihar Excise Act').

In the present case, the petitioner after filing of the writ petition has filed supplementary affidavit and fact has been brought on record that after registering the case, confiscation proceeding has also been initiated vide Confiscation Case No.50 of 2019, which is pending in the court of the District Magistrate, Madhepura and notice has also been issued.

Considering the fact that after seizure of the vehicle in question, confiscation proceeding has been initiated, there is no reason to pass an order, which may affect the proceeding before the confiscating authority.

The writ petition stands disposed of with observation that the petitioner may pursue the confiscation proceeding. Considering the fact that the confiscation is in respect of the vehicle in question is pending before the District Magistrate, Madhepura, it is desirable to direct to take all steps, so that confiscation proceeding may come to its logical end without unnecessary delay. It is further directed that the petitioner will render full co-operation during the proceeding. The respondent no.3 is required to conclude the confiscation proceeding within a period of two months from the date of receipt/production of



copy of this order.

With above observation and direction, the writ
petition stands dispose of.

(Rakesh Kumar, J.)

(Anjani Kumar Sharan, J.)

nawalkrs/-

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