

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17846 of 2019

Sunil Kumar tiwari Son of late Raj Mohan Tiwari, Resident of Village Chaurahiya, P.S. Manjhaulia, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The Principal Secretary, Department of Excise, Government of Bihar, Patna.
3. The District Magistrate, Bettiah, West Champaran.
4. The Superintendent of Police, Bettiah, West Champaran.
5. The District Transport Officer, Bettiah, West Champaran.
6. The Officer-in-Charge, Manjhaulia, Police Station, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta
For the Respondent/s : Mr.Kumar Manish (Sc5)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

and

HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

2 17-12-2019 Heard learned counsel for the petitioner and learned counsel for the respondent.

The present writ application has been filed for release of Hero Super Splendor Motorcycle bearing Registration No.BR-22S-9747, in favour of petitioner, which has been seized in connection with Bhitaha P.S. Case No.22 of 2018, registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act, 2016 as amended by the Amendment Act 8 of 2018 (hereinafter called 'the Act').

It is submitted by learned counsel for the petitioner that the petitioner has received notice from the office of Collector-cum-District Magistrate, West Champaran dated 20.11.2018 in



Confiscation Case No.CRM.357 / 2018-19.

It is further submitted by learned counsel for the petitioner that motorcycle in question was stolen on 10.05.2018 for which Bettiah Town P.S. case No.375 of 2018 has been registered whereas the present case was registered on 18.09.2018. Hence the entire confiscation proceeding stands vitiated, however, learned counsel for the petitioner seeks permission to withdraw this application provided that Authority be directed to dispose of his contentions within a time frame. Permission is granted.

Accordingly, this writ application is disposed of with a direction to the concerned Authority to consider all the contentions raised by the petitioner and try to dispose of the Confiscation Proceeding by reasoned and speaking order within a period of 45 days from the date of receipt / production of a copy of this order.

The petitioner is also expected to appear regularly and participate in the confiscation proceeding.

(Dinesh Kumar Singh, J)

(Anil Kumar Sinha, J)

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