

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17886 of 2019

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Santosh Sah, Son of Subash Chandra Sah, Resident of Village- Maghaura,
P.S.- Vijaypur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Prohibition and Excise, Govt. of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Officer-in-Charge, Vijaypur Police Station, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhramveer, Advocate
For the Respondent/s : Mr.Vivek Prasad, GP-7

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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 The present writ application has been filed for quashing the order dated 25.07.2019 passed by learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Gopalganj in Vijaipur P.S. Case No. 37 of 2019, whereby the application for release of the Nano car, bearing Registration No. BR04N-4066, in favour of the petitioner, which has been seized in connection with Vijaipur P.S. Case No. 37 of 2019, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 as amended by Amendment Act 8 of 2018, has been rejected, (hereinafter referred to as ‘the



Act’).

It is submitted by learned counsel for the petitioner that the petitioner claims to be the owner of the vehicle in question and certificate of registration of the vehicle in question has been brought on record as Annexure-1. However, it is submitted that the petitioner has received the notice in confiscation proceeding being Confiscation (Excise) No. 222 of 2019.

After some arguments, learned counsel for the petitioner seeks permission to withdraw this application with liberty to appear before Respondent No. 2, the District Magistrate, Gopalganj in confiscation proceeding, if it is directed that the confiscation proceeding will be concluded within a period of 30 days.

It appears that the FIR was registered on 13.03.2019 but the date of initiation of confiscation proceeding has not been mentioned and from the vehicle in question 4 litres of country made liquor were recovered.

In the circumstances, it is expected from Respondent No. 2, the District Magistrate, Gopalganj to conclude the confiscation proceeding within the stipulated period of 45 days from the date of receipt/production of a copy of this order,



failing which the vehicle in question will be released by
Respondent No. 2, the District Magistrate, Gopalganj himself.

Accordingly, this writ application is disposed of.

(Dinesh Kumar Singh, J)

(Anil Kumar Sinha, J)

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