

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.23412 of 2019**

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Chitranshu Kumar @ Chit Ranjan Yadav, Male, aged about 29 years, S/o Awadhesh Yadav, R/o Village- Chandauli (Kharkani), P.S.- Mufassil, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Aurangabad (Bihar).
3. The Superintendent of Police, Aurangabad (Bihar).
4. The District Supply Officer (Excise), Aurangabad (Bihar).
5. The S.H.O. Mufassil P.S. (Town P.S.), District- Aurangabad (Bihar).

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Lal Bahadur Singh  
For the Respondent/s : Mr.Vikash Kumar (SC-11)

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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)**

3      20-12-2019                      The present writ application has been filed for release of Bajaj Discover 125 motorcycle bearing Registration No. BR-26F-7752 seized in connection with Aurangabad (Bihar) Town P.S. Case No. 390 of 2019, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by the Amendment Act 8 of 2018.

The prayer made in the writ application has been stipulated in paragraph no. 1 of the writ petition, which reads as follows:



*“That the present Civil Writ application is being filed for issuance of writ of mandamus and any other appropriate writ / writs, order / orders and direction / directions to the respondents authority to release the vehicle (Motorcycle) bearing Registration no. BR-26F-7752, CHASIS No. MD2A15BZ2CRJ03487, Engine No. JZZRCJ03640, which was seized by the Mufassil Police, under District – Aurangabad ( Bihar ) in connection with Town P.S. Case No. 390 of 2019 dated 5-10-2019 u/s 30(a) of Bihar Prohibition and Excise (Amendment ) Act, 2018 and the vehicle in question is lying in the open sky without any care in the open campus of Town Police Station, Aurangabad (Bihar)”*

The prosecution case got initiated on the basis of written report of Assistant Sub Inspector of Police namely, Sanjay Kumar - III of Town P.S. Aurangabad (Bihar) submitted to the Inspector -cum- Officer-in-charge, Town P.S. Aurangabad (Bihar) to the effect in order to maintain the law and order checking of vehicles was conducted when search was made of one Bajaj Discover 125 motorcycle bearing Registration No.



BR-26F- 7752 and from the same, seven sachets of 200 ml each of country made liquor was recovered.

Learned counsel for the respondent has filed a counter affidavit on behalf of the respondent nos. 2 and 3 and specific averment has been made in paragraph no. 8 of the said counter affidavit that confiscation proceeding has already been initiated vide Confiscation Case No. 670 of 2019 and notice has been issued to the petitioner on 16.12.2019 which has duly been served upon the petitioner.

In the circumstances, though the petitioner claims to be the registered owner of the vehicle in question and has brought on record certificate of registration of the vehicle in question, learned counsel for the petitioner prays for a direction to the respondent authorities i.e. respondent no. 2 – District Magistrate, Aurangabad ( Bihar) to conclude the confiscation case within a time frame.

In response to the contention raised by learned counsel for the petitioner, learned counsel for the respondent-State submits that the confiscation proceeding will be concluded within a fixed time frame.

As a result, we direct the District Magistrate-cum-Collector, Aurangabd (Bihar) to conclude the confiscation



proceeding being Confiscation Case No. 670 of 2019 within a period of forty five days from the date of receipt / production copy of this order. On non conclusion of the same within the time fixed by this court, without any laches on the part of the petitioner, who undertakes to appear regularly in the confiscation proceeding, the petitioner will be at liberty to renew his prayer for release of the vehicle in question.

The writ petition stands disposed of.

**(Dinesh Kumar Singh, J)**

**( Anil Kumar Sinha, J)**

praful/-

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