

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 20 of 2019

Arising Out of PS Case No.-63 Year-2018 Thana- MANSI District- Khagaria

Angad Yadav Son of Gajendra Yadav Resident of Village- Thatha- P.S.--
Mansi, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Bihar, Patna.
2. The District Magistrate, Khagaria.
3. The Superintendent of Police, Khagaria.
4. The Station House Officer, Mansi Police Station, District- Khagaria.

... .. Respondent/s/ Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh, Advocate
For the State : Mr. Kumar Pankaj, AC to SC 5

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 30-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Abhay Kumar Singh, learned counsel for the petitioner and Mr. Kumar Pankaj, learned AC to SC 5 for the State.

3. The petitioner has moved the Court for the following reliefs:

“That this is an application for issuance of appropriate writ/orders/direction to quash the order dated 29.08.2018 passed by additional session Judge 2nd cum special judge, Excise, Khagaria whereby and where under the learned



court has refuse to release the Auto rickshaw of the petitioner due to section 60 of the Act specifically bar the jurisdiction of the court in such matter as such the vehicle of the petitioner is detained till date by the respondent authority, hence The Hon'ble Court has further issue the writ of MANDAMUS and directing the Respondents authority to release the auto rickshaw bearing registration no. BR-34P/4338 Engine No. A7M1153224 which was seized in connection of Mansi PS Case No. 63/2018 dated 03.04.2018 for the offence under Section 30 (a) Bihar Prohibition and Excise Act 2016, without any further delay."

4. Learned counsel for the petitioner submitted that a Division Bench of this Court in CWJC No. 20598 of 2019, by order dated 09.01.2020, has issued four directions in such cases where a vehicle has been seized and which is liable to confiscation. It was submitted that the writ petition be disposed off in similar terms.

5. Learned counsel for the State submitted that the aforesaid order of the Division Bench would not be of any help to the petitioner in the present case as the entire exercise has been completed and final order in the confiscation case has already been passed by the Competent Authority on 15.02.2019 in Confiscation Case No. 91 of 2018-19. It was further submitted that the petitioner has a statutory remedy of appeal before the Divisional Commissioner.



6. Faced with the situation, learned counsel for the petitioner submitted that the writ petition be disposed off with liberty to the petitioner to move in appeal before the statutory forum of the Divisional Commissioner.

7. Having regard to the aforesaid, the writ petition stands disposed off with liberty aforesaid.

(Ahsanuddin Amanullah, J.)

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