

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5195 of 2020

Shivam Kumar, Son of Ajay Sharma, resident of Village- Karauta, P.S. Salimpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Registration, Excise and Prohibition Department Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Superintendent of Excise Patna, District- Patna.
4. The S.I. Salimpur Police Station, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Musowi, Adv.

For the Respondent/s : Mr.Kumar Manish (SC5)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence).

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 24-08-2020

Petitioner has prayed for following reliefs:-

“For issuance of appropriate writ for quashing ex parte order dated 20.09.2019 passed by District Magistrate, i.e. respondent no.2 passed in case no. 3257 of 2018-19 as contain Annexure-3 by which the D.M. has been pleased to direct to S.D.O. to auction sell of E-Rickshaw and also



directed to deposit the said amount in the treasury of Bihar Government vide vehicle no. TMM011792, Chasis No. M8EY4AA17HP011792 which was seized by the police in connection with Salimpur P.S. Case No. 324 of 2018, under Section 30(a) of Bihar Prohibition and Excise Act. ”

This writ petition has been filed for setting aside the ex parte order dated 20.09.2019 passed by the District Magistrate, Patna, by which the E-Rickshaw of petitioner has been ordered to be confiscated and auction sold. It appears from the impugned order that the notice was sent to petitioner by registered post but even after valid service of notice he did not appear and as such ex parte order was passed on the basis of materials available on record. It is submitted on behalf of petitioner that no notice was served upon him and the proceeding was decided in his absence.

The writ petition is disposed of with liberty to petitioner to file an appeal before the Appellate Authority within 60 days and if any such appeal is filed the Appellate Authority shall condoned the delay in filing the appeal and decide the appeal on



merit. It shall be open for the petitioner to assail the order before the Appellate Authority on all available grounds including non-service of valid notice resulting in ex parte order.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

