

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6173 of 2020

Khushbu Devi Wife of Raju Ray, resident of Nirahara Bakhri @ Nisahara Bakhri, P.S.- Bakhri, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna.
2. The Excise Commissioner, Patna.
3. The District Magistrate-cum- Collector, Khagaria.
4. The Superintendent of Police, Khagaria.
5. The Excise Sub-Inspector, Khagaria, District- Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dr. Sanjay Kumar Singh
For the Respondent/s : Mr. Vikash Kumar, SC-11

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
and

HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

Date : 30-06-2020

The matter has been taken up through virtual court proceeding.

Heard learned counsel for the petitioner and respondent-State.

The present writ application has been filed for a direction to the respondent authorities to release Mahindra Scorpio bearing Registration No. BR-34P 4393 seized in connection with Case No. 62C 3 of 2020, registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018.

The prosecution case is to the effect that from the



vehicle in question 175.245 litres of Indian Made Foreign Liquor were recovered. The petitioner claims to be the owner of the vehicle in question, hence he prays for release of the same.

The prosecution case was registered on 03.03.2020 when the present writ application was registered on 06.06.2020 and the matter was initially heard on 10.06.2020 and thereafter on 15.06.2020 and 23.06.2020 when learned SC-11 sought adjournment for filing counter affidavit. Counter affidavit on behalf of respondent nos. 2 and 3, the Excise Commissioner, Patna and the District Magistrate-cum-Collector, Khagaria, respectively, has now been filed wherein a stand has been taken in paragraph no.5 that vide order dated 31.03.2020, confiscation proceeding being Confiscatio Case No. 403(a) of 2019-20 has already been initiated. Moreover, the next date in the confiscation proceeding is 03.07.2020.

Learned counsel for the petitioner submits that he has not received any notice with regard to initiation of confiscation proceeding. However, in view of the present stand of the learned counsel for the State, he prays for disposal of the present application in terms of disposing of the confiscation proceeding within a time frame.

In the circumstances, the present application is



disposed with a direction to respondent no.3, the District Magistrate, Khagaria to dispose of the aforementioned confiscation case after giving due opportunity of hearing to all effected persons including the petitioner, within a period of six weeks from the date of receipt/production of a copy of this order.

Learned counsel for the petitioner undertakes to appear in the confiscation proceeding on 3rd of July, 2020, the next fixed date.

(Dinesh Kumar Singh, J)

(Anil Kumar Sinha, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	03.07.2020
Transmission Date	

