

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8294 of 2020

Pradeep Kumar Singh @ Pradeep Singh Son of Subedar Singh, Resident of
Village- Pirauntha, P.O.- Ramchandra Nagar, P.S.- Fesar, District- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise and Prohibition and Registration Department, Govt. of Bihar
2. The Excise Commissioner, Bihar, Patna
3. The District Magistrate-cum-Collector, Gaya
4. The Superintendent of Police, Gaya, Bihar
5. The Officer-in-Charge, Police Station, Guraul, District- Gaya

... .. Respondent/s

Appearance :

For the Petitioner/s : M/s. Jagannath Prasad
Vijay Laxmi Shrivastava, Advocates
For the Respondent/s : Mr. Vivek Prasad, G.P. 7

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-10-2020

Petitioner has prayed for following reliefs:-

(I) For quashing the order dated

31.01.2020 of learned District Magistrate, Gaya
passed in Confiscation Case No.229 of 2019 by
which the learned District Magistrate has been
pleased to confiscate the pick-van vide registration
No. BR-02W-8872 and further directed to
Additional Commissioner Excise, Gaya to sale out
the aforesaid vehicle through open public auction.

(ii) For issuance of an appropriate writ



in the nature of mandamus directing the respondent to release the vehicle of the petitioner bearing a pickup van in question vide its registration no. BR-02W8872 which was seized by the police in connection with Amas P.S. Case No. 194 of 2016 and thereafter a confiscation proceeding was initiated before the court of District Magistrate, Gaya vide Excise Confiscation Case No.229 of 2019 and thereafter the learned District Magistrate has been pleased to direct to the Additional Excise Commissioner, Gaya to start a process of open auction to sell out the aforesaid seized vehicle under Bihar Excise Act, 2016.

(iii) For issuance of any other relief/reliefs which may be deem fit and proper.”

It has been submitted that during pendency of this writ petition, final order of confiscation has already been passed by the Confiscating Officer, and as such present writ petition for interim release of the seized vehicle has become infructuous.

Petitioner is granted liberty to file appeal before the appellate authority within 60 days and if any such appeal is filed, the appellate authority shall condone the delay in filing the



appeal and shall decide the appeal on merit preferably within 60 days from the date of filing of such appeal.

With aforesaid observation and liberty, this writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.10.2020
Transmission Date	NA

