

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9211 of 2020

=====

Jaya Prakash @ Jai Prakash Kumar, Son of Ram Ishwar Prasad Yadav,
Resident of Village - Maliniya Madhopur, P.S. Majorganj, District -
Sitamarhi, At Present - DNO 1/358, M.G.R. Nagar Mookandapalli, Housr,
P.S. Krishnagiri, Distt. - Tamil Nadu – 635126.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Collector, Sitamarhi.
3. The Superintendent of Police, Sitamarhi.
4. The S.H.O Majorganj Police Station, Dist. - Sitamarhi.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar, Adv.
: Mr. Narain Singh, Adv.
For the Respondent/s : Mr. Kumar Manish, S.C. 5

=====

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

Date : 17-12-2020

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

Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for following reliefs:-

- (i) “For issuance of an
appropriate writ commanding the



respondents to release the which
motorcycle (HML Hero Glamour) of
the petitioner having Registration No.
BR30R6454 bearing Chassis No.
MBLJAR024HGD31130, Engine No.
JAD6ERHGD40653 laying in the
Campus of Mejarganj Police Station in
the district of Sitamarhi.

(ii) Any other relief or reliefs
for which the petitioner is entitled under
law as on facts.”

It has been submitted on behalf of counsel for the
State that final order in confiscation proceeding has already
been passed by the Confiscating Authority, Sitamarhi, as such,
present petition for interim release of the seized vehicle has
become infructuous.

The writ petition is disposed of with liberty to
petitioner to avail the statutory remedy of appeal against the
order passed by the confiscating authority and, if any, such
appeal is filed by the petitioner within eight weeks, the appellate
authority shall condone the delay in filing appeal and shall
decide the appeal on merit within eight weeks from the date of



filing of appeal.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.01.2021
Transmission Date	NA

