

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7262 of 2020

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Chandan Kumar Son of Narayan Prasad Gupta Resident of Village-
Chitragupta Nagar, P.O. and P.S. and District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar Through the D.M. Kishanganj.
2. The Superintendent of Police Kishanganj.
3. The O/C, Kishanganj P.S., Kishanganj.
4. The I.O. Kishanganj P.S. Kishanganj.
5. The Excise Superintendent Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Adv
For the Respondent/s : Mr.Lalit Kishore (AG) & Mr. Kumar Manish SC-5

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

Date : 26-08-2020

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

Petitioner has prayed for the following relief:-

“That this petition is directed against the
order dated 13.02.2020 passed in confiscation
case No. 183/19 (State Versus Chandan Kumar)
in conncectionwith Kishanganj PS Case No.
360/19 U/s 30(a) (b) of Bihar Prohibition &



Excise Act by the D.M. Kishanganj on the recommendation of the respondent no. 2 dated 10.10.19 letter No. 1397 whereby & whereunder the seized motorcycle (Pulsar) with Regd.No. BR38U-0986 has been confiscated and it has further been directed to the DTO, Kishanganj, for assessment of minimum valuation of the abovesaid motorcycle and report in this regard be submitted to the excise Superintendent, Kishanganj and Excise Superintendent, Kishanganj has been directed to sell the above said motorcycle in an open auction and the amount received there from be deposited in the Treasury though Challan.”

Petitioner has filed this writ petition for setting aside the order dated 13.02.2020 passed by district Collector cum Confiscating Officer, Kishanganj in confiscation Case No. 183 of 2019 (State Vs. Chandan Kumar) by which the vehicle of the petitioner has been ordered to be confiscated under Section 58 of the Bihar Prohibition & Excise Act, 2016 and to be auction sold.

Petitioner has approached this Court without availing the statutory remedy of appeal against the impugned order, as such, the writ petition is disposed of with liberty to petitioner to avail the statutory remedy of appeal before the appellate authority, and if any such appeal, is filed within 60 days then appellate authority shall condone the delay in filing the appeal



as the matter remained pending before this Court and shall decide the appeal on merit preferably within 60 days from the date of filing of the appeal.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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

