

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9728 of 2020

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Murari Mahto, S/o Rangila Mahto, Resident of Village-Maudah Ward no.-9
Police Station-Sahiyara District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Prohibition and Registration Department, Government of Bihar, Patna.
2. The Collector Cum District Magistrate, Sitamarhi Dist.-Sitamarhi
3. The Superintendent of Police Sitamarhi, District-Sitamarhi
4. The Superintendent of Excise Department, Sitamarhi, District-Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uday Kumar, Adv.
For the Respondent/s : Mr. Kumar Manish, S.C. 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 : 23-12-2020

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:-

“This is an application for issuance of an appropriate writ /orders/direction to release TVS APACHE Motorcycle of the petitioner bearing



Registration No. BR30U 2853
Chassis No. MD634CE68H2K59733 in his
favour which was seized on
28/10/2019 by the police officer
of Excise Department,
Sitamarhi by registered a case
as C2/669/2019 under Section
30 (a) of the Bihar Prohibition
and Excise Act, 2016 and
further to order for giving
possession of the alleged
Motorcycle to the petitioner.”

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

