

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7874 of 2020

Prakash Yadav @ Prakash Kumar Son of Munna Yadav, Resident of Village
Banka, At Present Jirhuliya, P.S. Hunterganj, District Chatra (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Collector-Cum-District Magistrate, Gaya.
3. The Superintendent of Excise, Gaya District Gaya.
4. The Superintendent of Police, Gaya
5. The S.H.O., Sherghari P.S., District Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Adv
For the Respondent/s : Mr.Kumar Manish SC-5

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

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 21-09-2020

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“For issuance of writ in the nature of Mandamus or any other appropriate writ(s), order(s) directions to the respondents to release the Hero Splendor motorcycle bearing registration No. JH-13F-4549 having Engine No. HA10ASKHC28476, Frame/Chasis No. MBLHAW089KHC12668, model 2019, in favour of the petitioner, which has been seized in connection with Sherghati PS. Case No. 373/19 dated 14.08.2019 registered



u/s 30(a) of Bihar Prohibition and Excise Act, 2016.”

It has been submitted that during pendency of this writ petition, final order has been passed by the Collector, and vehicle has been directed to be confiscated and put on auction 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)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.09.2020
Transmission Date	NA

