

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8033 of 2020

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Lal Babu Raut Son of Sri Suraj Raut Resident of Village and P.O.-
Mahisautha, Ward No. 04, P.S.- Nanpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The District Magistrate Sitamarhi.
3. The Superintendent of Police Sitamarhi.
4. The Station House Officer Runni Saidpur Police Station, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Amrit Abhijat
		Mr. Manoj Kumar Gupta, Advocates
For the Respondent/s	:	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)

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

Date : 28-09-2020

Heard the parties.

Petitioner has prayed for following reliefs:-

- (A)To issue a writ in the nature of mandamus directing / commanding the respondents to release Ape Auto Dx (Piaggio vehicle) bearing registration No. BR-06PE 3618, corresponding to temporary registration No. BR/30/TMP/2019/131 in favour of petitioner which has been seized in connection with C2 No.725/2019 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016.
- (B)Any other relief or reliefs, writ or writs, direction or directions which this Hon'ble Court may deem fit and proper in the facts and circumstances may also be



granted.”

It is submitted that final order in confiscation proceeding has already been passed by the Confiscating Officer by which the seized vehicle has been directed to be confiscated as such, present writ petition for interim release for the seized vehicle has become infructuous.

Petitioner is granted liberty to challenge the confiscation order before the appellate authority and if any such appeal is filed within 60 days 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 appeal.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.10.2020
Transmission Date	NA

