

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8609 of 2020

=====

Nilesh Kumar, Son of Manohar Prasad, resident of Ashok Nagar P.S.- Rajgir,
District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Patna.
2. The Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Patna.
3. The District Magistrate-cum- Collector, Nalanda.
4. The Superintendent of Police, Nalanda.
5. The District Supply Officer, Nalanda.
6. The Superintendent, Department of Excise, Nalanda.
7. The Station House Officer, Rajgir, Nalanda.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh, Adv.
For the Respondent/s : Mr. Kumar Manish, SC-5

=====

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

Date : 19-10-2020

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 State.

Petitioner has prayed for following reliefs:-

- (i) “For issuance of a writ in the nature of mandamus to release the Pulsar 220



Motorcycle bearing its Registration No. BR21V/6190, Engine No. DKYCKM84723 Chassis No. MD2A13EYXKCM13783 Modal 2019, which has been seized by the Rajgir police in connection with Rajgir P.S. Case No. 04 of 2020 instituted U/s 30(a) of Bihar Prohibition and Excise Act, 2016 though the recovery of illegal liquor was made from a parked motorcycle of another person and the petitioner further prays for release of said motorcycle and stay the confiscation proceeding, going to be started and also prays for other consequential reliefs.”

It has been submitted on behalf of counsel for the State that during pendency of this petition, final order of confiscation has been passed by Confiscating Authority, as such, present writ petition has become infructuous.

Writ petition is disposed of with liberty to petitioner to file appeal before the appellate authority against the order passed by the Confiscating Officer, and, if any, such appeal is filed within 60 days, the appellate authority shall



condone the delay in filing appeal as the matter remain pending before this Court and shall decide the appeal on merit within 60 days from the date of filing of such appeal.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

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

