

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8873 of 2020

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Gaurav Bijpuria S/o Rameshwar Prasad Bijpuria, resident of Flat No. - 402,
Shashi Kutir, Exhibition Road, PS - Gandhi Maidan, DISTRICT - Patna,
Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Prohibition Excise and Registration Department, Government of Bihar.
2. The Excise Commissioner, Prohibition Excise and Registration Department, Government of Bihar.
3. The District Magistrate, Patna.
4. The Superintendent of Police, Patna.
5. Senior Deputy Collector, Patna.
6. The SHO, Gandhi Maidan Police Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Nivedita Nirvikar
For the Respondent/s : Mr. Vikash Kumar, SC 11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 13-11-2020

Heard the parties.

Petitioner has prayed for following reliefs:-

(I) For quashing the order dated 21.9.2020 passed by Senior Deputy Collector, Patna herein respondent no.5 wherein the said respondent has passed order of confiscating the vehicle Hyundai Creta Car bearing registration No. BR01EN-5001 specifically mentioned in FIR and Chassis No.MALC381UMKM608119, in favour of the petitioner which was seized in connection with Gandhi Maidan P.S. Case No.135 of 2020 registered on 26.05.2020 for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

(ii) For restraining the respondent from putting the



vehicle in question for public auction.

(iii) For direction upon the respondents for provisional release of the Hyundai Creta Car bearing Registration No. BR 01EN-5001 specifically mentioned in FIR and Chassis No. MALC381UMKM608119, in favour of the petitioner.”

Petitioner has approached this Court in its writ jurisdiction against the impugned order dated 21.9.2020 passed by the confiscating authority without availing the statutory remedy of appeal against the impugned order.

The writ petition is disposed of with liberty to petitioner to file an appeal against the impugned order before the appellate authority and if any such appeal is filed within 30 days, the appellate authority shall condone the delay in filing the appeal as the matter remained pending before this Court and shall decide the appeal within 30 days from the date of its filing.

Pending decision in appeal, the confiscated vehicle shall not be auction sold.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.11.2020
Transmission Date	NA

