

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9599 of 2020

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Ramjanam Singh, Son of Balmiki Singh, Resident of Village- Barauti, P.S.-
Giriyak, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate cum Collector, Nalanda.
3. The Senior Superintendent of Police, Nalanda.
4. The Officer-In- Charge, Giriyak, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akhilesh Dutta Verma, Adv.
For the Respondent/s : Mr. Vikash Kumar S.C. 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 : 22-12-2020

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 relief:-

“That through this writ
application the petitioner seeks
the following relief:-

(a) To issue an



appropriate writ, order of direction in the nature of mandamus for the provisional release of Red Colour Hero Honda bearing Registration No. BR21W-9450, Engine No. JC73E-G-0089920, Chassis No. ME4JC73AGKG048203 in favour of the petitioner, which has been seized by the police in connection with Giriyak P.S. Case No. 322 of 2020 registered on 01.09.2020 under Section 30(a) of Bihar Prohibition and Excise Act, 2016.”

(b) That this Hon'ble Court may adjudicate and hold that pre-trial detention/confiscation of the aforementioned vehicle of the petitioner by the respondents under Bihar Prohibition and Excise Act, 2016 is illegal in the eye of law and also the petitioner is entitled for provisional release of his abovementioned vehicle in his favour since the petitioner is the real owner of the said vehicle and also in view of the judgement of this Hon'ble Court passed in



various similarly situated cases
like the case of 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, Nalanda, 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

