

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9589 of 2020

=====

Umakant Singh, Son of Rajendra Singh, Resident of Village - Kochgaon,
Police Station- Warisaliganj, District - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Prohibition and Excise, Government of Bihar, Patna.
2. The District Magistrate, Nalanda at Biharsharif.
3. The Superintendent of Police, Nalanda at Biharsharif.
4. The Superintenant of Excise, Nalanda at Biharsharif.
5. The Sub Divisional Police Office, Rajgir, District Nalanda.
6. The Police Sub Inspector cum Station House Officer, Giriyak Police Station, District - Nalanda.
7. The Assistant Sub Inspector, Katrisarai Police Station, District - Nalanda.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Md.Imteyaz Ahmad, Adv.

For the Respondent/s : Mr. Kumar Manish, S.C. 5

=====

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 this is an
application for issuance of an



appropriate writ, order or direction for directing the respondent authorities to release Achiever Motorcycle of the petitioner bearing its Registration No. BR-27D-9112, Chassis No. MBLKC10ETGGA02871, Engine No. KC10EFGGA02916 (Red Colour) which has been seized in connection with Giriyak (Katrissarai) P.S. Case No. 260/2019 dated 20.07.2019 registered for the alleged offence under sections 30(a), 38, 41 of the Bihar Prohibition and Excise Act, 2016.”

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

