

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9037 of 2020

=====

Kamesh Kumar, Son of Fekan Paswan, Resident of Village - Sursand, Ward
No. 9, P.S. Sursand, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Collector-cum-District Magistrate, Sitamarhi.
5. The Superintendent of Police, Sitamarhi.
6. The Excise Superintendent, Sitamarhi.
7. The Station Head Officer, Sonbarsa, District - Sitamarhi.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Adv.
For the Respondent/s : Mr. Vivek Prasad, G.P. 7

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 08-12-2020

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 State.

Petitioner has prayed for following relief:-

“This writ application is being filed on



behalf of the petitioner above named for direction to the respondent authorities to release the seized Hero Glamour Motorcycle bearing its registration No. BR30V-1271, which was seized by SSB Jawans and handed over to Sonbarsa police station in connection with C2 Case No. 33 of 2020, whereby and whereunder the said motorcycle was seized due to recovery of total 36 liters Nepali Saufi wine from the said motorcycle and petitioner is the only owner of this vehicle.”

It is submitted on behalf of counsel for the State that final order dated 06.07.2020 has been passed in Confiscation Case No. 184 of 2020 by the Confiscating Authority, as such, present writ petition for interim release of 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 within 30 days, the appellate authority shall



condone the delay in filing appeal and shall decide the appeal on merit within 60 days from the date of its filing.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.12.2020
Transmission Date	NA

