

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9598 of 2020

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Sajan Kumar, Son of Arun Yadav @ Arun Kumar Yadav, Resident of Village -
Kakoraha, Ward No. 7, P.O. Bagnagar, P.S. Mahalgaon, District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The District Magistrate, Araria.
3. The Superintendent of Police, Araria.
4. The S.H.O., Jokihat (Mahalgaon) Police Station, District - Araria.

... .. Respondent/s

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Appearance :

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

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

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 23-12-2020

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:-

“For issuance of an order/orders,
writ/writs, direction/directions commanding



the respondents authority to release the TVS Apache Motorcycle bearing Registration No. Nil, Chassis No. MD634BE41J2F97332 and Engine No. BE4FJ2197702 belonging to the petitioner which has been seized by the police in connection with Jokihat (Mahalgaon) P.S. Case No. 169/2020 dated 28.05.2020 instituted for the alleged offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act 2018, pending in the court of learned 2nd Addl. District & Sessions Judge-cum-Special Judge, Excise, Araria.”

It has been stated on behalf of counsel for the State that final order of confiscation has been passed by the Confiscating authority, Araria, as such, present writ petition for interim release of the seized vehicle under the excise act has become infructuous.

The writ petition is disposed of with liberty to petitioner to challenge the order passed by the Confiscating authority before the appellate authority and, if any, such appeal is filed within eight weeks, the appellate authority shall condone



the delay in filing the appeal as the matter remain pending before this Court and shall decide the appeal on merit within eight weeks from the date of its filing.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.01.2021
Transmission Date	NA

