

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15592 of 2019

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Saroj Devi Wife of Fulendra Choudhary, Resident of Mohalla- Sahganj, P.S. Mahendru, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The S.H.O. Police Station Mahendru, Patna,.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manohar Prasad Singh, 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 THE CHIEF JUSTICE)

Date : 24-08-2020

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:-

“For issuance of writ(s), order(s) and direction(s) by directing the respondent authority to release the vehicle bearing Registration No. BR-01CH-7025, Engine No. DKZCFL98486, Chassis No.



MD2A13EZ4FCL11975, manufacturer with mark-PULSAR 220 SF (BAZAZ AUTO LTD), which has been seized and kept within the premises of police station in open space, in connection with Mahendru P.S. Case No. 119/18, instituted on 17.05.2018, for the offence under Sections 30(a)/32(2)/41(i) of the Bihar Prohibition and Excise Act, 2016, on the basis of Fardbeyan of one Arjun Ram, A.S.I. Police Station Sultanganj, District- Patna only because their otherwise interest was not fulfilled by the petitioner.”

It has been submitted on behalf of counsel for the State that on recommendation made by police, confiscation case was initiated against the seized vehicle and final order has been passed in the confiscation proceeding, however, it is submitted on behalf of petitioner that no notice has been served upon him with respect to initiation of the confiscation proceeding and it appears that ex-parte order has been passed against him without any valid service of notice on the petitioner.

The writ petition is disposed of with liberty to the petitioner to file a recall petition for recall of confiscation order passed ex-parte against him before the Confiscating Officer who shall examine the records and if he arrives at a finding that no valid service of notice was made upon petitioner, he shall recall



the ex-parte order and after granting opportunity to petitioner to file his show cause shall pass fresh order after hearing both the parties. However, if the Confiscating Officer finds that in spite of valid service of notice, petitioner did not appear then petitioner shall have liberty to file appeal against the order passed by the Confiscating Officer before the appellate authority.

With the aforesaid observation and liberty, this writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.

