

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18143 of 2019

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Rajesh Kumar Yadav Son of Shri Bechan Yadav resident of Village Bardaha,
P.S. Sikti, District Araria.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Principal Secretary-cum-Commissioner, Department of Excise, Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Araria.
4. The Superintendent of Police, Araria.
5. The Superintendent of Excise, Araria.
6. The Officer in Charge, Tarabari Police Station, District- Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma
For the Respondent/s : Mr.Vivek Prasad (Gp7)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 12-08-2020

Petitioner has prayed for following reliefs:-

- (i) “To issue a writ of mandamus directing and commanding the respondents to release the motorcycle of the petitioner having no registration number, bearing chasis No.MBLHAW089KHF14347, Engine No.HA10AGKHF21810 which was seized on 27.07.2019 in connection with Tarabari Police Station Case No.115/19 instituted for offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016 for which confiscation proceeding has not been initiated so far to the best of knowledge of the petitioner.



- (ii) Any other relief or relief(s) which the petitioner may be found entitled to in the facts and circumstances of the case.

It is submitted on behalf of counsel for the State that confiscation proceeding has already been initiated by the District Magistrate-cum-Confiscating Officer.

The writ petition is disposed of with liberty to the petitioner to appear in the confiscating proceeding, if same is still pending and if final order has been passed, he may prefer appeal against the final order passed by Confiscating Authority before the appellate authority which shall be considered by the appellate authority on its own merit and appellate authority shall condone the delay in filing appeal since the matter remained pending before this Court.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.08.2020
Transmission Date	NA

