

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23346 of 2019

=====

Rajeev Kumar Singh @ Rajeev Singh, S/o Satish Singh @ Munna Singh, R/o
Paharpur, Chhangur, P.S. Kuchaikote, Dist.-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Patna-Bihar.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Excise Department, Gopalganj.
4. The Officer in Charge -Sidhwaliya, Police Station, Gopalganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Adv.
For the Respondent/s : Mr.Kumar Manish (Sc5)

=====

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

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 17-08-2020

Heard parties.

Petitioner has prayed for following reliefs:-

“For issuance of appropriate writ commanding and directing the respondent authorities to release the Hero Motocrop Glamour FI of the petitioner bearing Registration No.BR-28Q-1930, Chassis No.MBLJA06APGGG02197, Engine No.JA06ELGGG02171 the motorcycles has been seized by the respondent police of the Gopalganj/ Sidhwaliya police station in a case bearing Sidhwaliya P.S. Case Number 66 of



2019 for the alleged offences u/s 30(a) of the Bihar Excise Act, 2016 as stated in the FIR 28 liters and 800 ml. wine was recovered from the vehicle, the case is presently pending in the court of learned Addl. Sessions Judge-II-cum-Special Judge, Excise Act, Gopalganj, in favour of the petitioner by handing it over to him or his representative.

(B) For issuance of any other relief/reliefs to which the petitioner may found entitled to in the facts and circumstances of the present facts and circumstances of the case in favour of the petitioner.”

It has been submitted on behalf of counsel for the State that final order in confiscation proceeding has already been passed by the DM-cum-Confiscating Officer, Gopalganj, as such, present petition for interim release of vehicle has become infructuous and petitioner may avail the statutory remedy of Appeal/Revision against the order of confiscation passed by the District Magistrate-cum-Confiscating Officer, Gopalganj.

The writ petition is disposed of with liberty to petitioner to avail the statutory remedy of appeal against the order passed by the Confiscating Officer, Gopalganj, and if any, appeal is preferred by the petitioner the delay in filing appeal may be condoned by the appellate authority as the matter



remained pending before this Court and appeal be decided on merit. It is open for the petitioner to raise all grounds available to him under law before the Appellate Authority, who shall decide the appeal within 30 days of its filing.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.8.2020
Transmission Date	NA

