

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.143 of 2020

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Gunjan Kumar, S/o Sajiwan Prasad, R/o Village- Nanauri, P.S. Dhanarua,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department,
Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Nalanda (Bihar).
3. The Superintendent of Police, Nalanda (Bihar).
4. The District Supply Officer (Excise), Nalanda (Bihar).
5. The S.H.O. Teghra P.S. District Nalanda (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Adv.
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)

Date : 09-07-2020

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 writ of mandamus and any
other appropriate writ/writs, order/orders
and direction/directions to the respondents



authority to release the vehicle (Motorcycle) bearing Registration No. BR-01DK-4792, Chasis No. MD2A11CY5HRE16445, No. DHYRHE02746 which was seized by the Telhara Police Station, under District-Nalanda (Bihar) in connection with Telhara P.S. Case No. 36 of 2019 dated 14.03.2019 under Section 30(a)(d) of Bihar Prohibition and Excise (Amendment) Act, 2018, after setting aside the order dated 05.09.2019 passed by the learned A.D.J.-3rd –cum-Special Judge, Nalanda at Bihar Sharif in Telhara P.S. Case No. 36 of 2019 (Annexure-P/2) and the vehicle in question is lying in the open sky without any care in the open campus of Telhara Police Station, Nalanda (Bihar).

It has been stated on behalf of counsel for the State that final order dated 16.12.2019 in confiscation case no. 99 of 2019 has been passed by the confiscating officer as such present writ petition for provisional release of vehicle during pendency of confiscating proceeding has become infructuous.



As there has been recovery of illicit liquor from the seized vehicle same was liable for confiscation as such the Special Judge, Excise Nalanda at Biharsharif has rightly rejected the petition of petitioner for release of vehicle as there is bar of jurisdiction in confiscation under section 60 of the Act.

The writ petition is disposed of with liberty to petitioner to avail the statutory remedy of appeal/revision against the final order dated 16.12.2019 passed by the confiscating authority in confiscation case no. 99 of 2019. If any such appeal is filed by the petitioner the appellate authority shall condoned the delay in filing appeal as the matter remain pending before this court and shall decide the appeal of petitioner on merit preferably within 30 days from the date of filing of such appeal. The vehicle if not already auction sold may not be sold during pendency of appeal.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/-

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

