

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.364 of 2020

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Sonu Goswami @ Sonu Kumar Goswami @ Sonu Kr. Goswami, S/O- Shri Chhoti Goswami, resident of Vill- Banda Singha, Via Belkapi, P.S.- Gorhar, Distt.- Hazaribagh (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Excise Commissioner, Excise Department, Govt. of Bihar, Patna.
2. The Collector, Bhojpur.
3. The Superintendent of Police, Bhojpur.
4. The S.H.O., Udwant Nager Police Station, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Suresh Mishra, Adv
For the Respondent/s : Mr.Kumar Manish (SC5)

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

Date : 13-07-2020

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/writs, order/orders or direction/directions in the nature of mandamus commanding the



appropriate concerned authority respondent/respondents to release the Vehicle i.e. Pick-up Van bearing Registration No. JH02AC-3280, Chesis No.MA1ZN2GHKE1M88326, Engine No. GHE1M71307, Model No. BOLERO PICK UP in favour of petitioner which has been seized in connection with Udawant Nagar P.S. Case No. 378 of 2016 dated 06.11.2016 District - Bhojpur bearing G.R. No. 5256 of 2016.”

Allegation is recovery of huge quantity of liquor from pick up van for which the vehicle was seized and FIR was instituted giving rise to Udwant Nagar P.S. Case No. 378 of 2016 dated 06.11.2016 instituted under Section 30(a) of Bihar Prohibition and Excise Act, 2016 as vehicle was used for transportation of illicit liquor and same was recovered from the vehicle as such the vehicle is liable for confiscation under section 56 of the Excise Act.

It is submitted on behalf of counsel for the State that confiscation proceeding was initiated against the vehicle and final order of confiscation of vehicle has been passed by the Confiscating Authority, as such, present writ petition for provisional release of vehicle during pendency of confiscating



proceeding has become infructuous.

It is submitted on behalf of petitioner that no notice of confiscation proceeding was given to him and ex-parte order has been passed against him without any service of notice upon him. Said submission cannot be accepted as in paragraph no. 14 of the writ petition, it has been submitted by the petitioner that the confiscation proceeding is pending..

The writ petition is disposed of with liberty to petitioner to avail the statutory remedy of appeal/revision against the final order passed by the Confiscating Authority. If any such appeal is filed before the appellate authority the delay in filing appeal shall be condoned since the matter remained pending before this court and appeal shall be decided on the merit. All the issues shall remain open before the appellate authority including prayer of the petitioner for recall of ex-parte order.

(Sanjay Karol, CJ)

Rajiv/-

(S. Kumar, J)

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

