

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4957 of 2021

=====

Kailash Prasad Yadav @ Kailash Yadav Son of Mahendra Prasad Yadav @ Mahendra Yadav Resident of Village- Mahadeo Kitta, P.S.- Mahgama, District- Godda (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary Registration Excise and Prohibition Department, Govt. of Bihar, Patna
2. The Principal Registration Excise and Prohibition Department, Govt. of Bihar Patna
3. The Collector-cum-District Magistrate, Banka Banka
4. The Superintendent of Police, Banka Banka
5. The S.H.O. Barahat, Police Station, Banka Banka

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh, Adv
For the Respondent/s : Mr.Vikash Kumar SC-11

=====

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

Date : 10-03-2021

Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner has prayed for the following relief(s): -

"The present writ application is being filed for issuance of an appropriate writ/writs, order/orders direction/directions to quash the orders, vide Confiscation Appeal No. 44/2018-19, which was pleased to passed an order by the learned District Magistrate, Banka dated 24.01.2020 and order dated 09.09.2020 which was pleased to passed an order by the Excise Commissioner, Patna, in Excise Appeal No. 80/2020 and thereafter passed the order/direction upon the respondents, particularly respondent no. 3 to 5 to release the seized vehicle (Scorpio) bearing Registration No. JH-11C-5555, has been seized by the S.I,



namely Mahendra Prasad posted at Gawan, P. s. District Gridih (jharkhand) informant inform the S.H.O. Barahat Police Station on 28.01.2018 at 7.30 P.M. in connection with G.R. No. 260/2018 arising out of Banka P.S. Case No. 66/2018, under Section 30C(a), (G), & 32(2) of Bihar Excise Prohibition Act, 2016."

Petitioner has approached this Court without availing the statutory remedy of appeal against the impugned order, as such, liberty is granted to petitioner to file an appeal against the confiscation order before the appellate authority and if any appeal is filed within 60 days then appellate authority shall condone the delay in filing appeal, as the matter remained pending before this Court, and shall decide the appeal preferably within 60 days from the date of its filing.

It is further clarified that the vehicle should not be put on auction, if not auction sold.

With aforesaid liberty, the writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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

