

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4657 of 2021

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Awadhesh Kumar @ Abdhesh Kumar Son of Kishori Prasad Resident of
Village- Kundi, Police Station- Noorsarai, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar, Prohibition and Excise Department, Bihar, Patna.
2. The Principal Secretary, Bihar, Prohibition and Excise Department, Bihar, Patna.
3. The District Magistrate, Nawada, District- Nawada.
4. The Superintendent of Police, Nawada, District- Nawada.
5. The Thana-in- Charge, Rajauli, Police Station, District- Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh
For the Respondent/s : Mr. Vikash Kumar, SC 11

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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 : 19-05-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“For issuance of an appropriate order/
orders/direction/directions/ writ in the nature of mandamus
directing and commanding to the respondents to release Bolero
Pickup Van No.BR-21GA-5699 Chassis No.MA1ZN2T-
BKH1F51056, Engine No.TBH1F66245 of petitioner which



has been seized by the police in connection with G.O. Case No.125 of 2020 dated 23.07.2020 offence under sections 30(a) and 56(b) of Bihar Prohibition and Excise Act, 2018.

(ii) Any further be pleased to grant other relief/reliefs as the petitioner is entitled to.”

It has been submitted by learned counsel for the State that during pendency of writ petition final order of confiscation has been passed by the confiscating authority, as such present petition for interim release of vehicle has become infructuous.

It has been submitted by learned counsel for the petitioner that ex parte order has been passed and no notice was ever served upon the petitioner in respect of the confiscating proceeding.

The writ petition is disposed with liberty to petitioner to file a petition for recall of ex parte order and if the confiscating authority comes to a finding on the basis of records that there was no proper and valid service of notice upon the petitioner, he may recall the ex parte order and shall pass a fresh order after affording opportunity to the petitioner to file his show cause and shall pass final order after hearing both the parties.



However, if the Confiscating Officer finds that in spite of valid service of notice, petitioner did not contest the proceeding, he shall dismiss the recall petition and petitioner shall have liberty to file appeal against the order of confiscation of the vehicle passed by the Confiscating Authority before the Appellate Authority.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.05.2021
Transmission Date	NA

