

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4937 of 2021

In
Civil Writ Jurisdiction Case No.167 of 2020

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Upendra Kumar Singh@Upendra Singh, Son Of Dev Narayan Singh,
Resident of Village- Janpur, P.S.- Barun, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Bihar, Patna.
2. The District Magistrate, Rohtas.
3. The Senior Superintendent of Police, Rohtas at Sasaram
4. The Officer Incharge, Baghaila Police Station, District- Rohtas at Sasaram.
5. The Special Court Excise Act, Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjit Kumar, Advocate
For the Respondent/s : Mr. Kumar Manish, S.C. 5

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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 the parties.

Petitioner has prayed for following relief(s):-

“For issuance of an appropriate writ/writs/direction(s) to the respondents for release of vehicle of the petitioner which is TVS, Apache Motorcycle bearing Registration No. BR24U8430, Chassis No. MD634BE45H2F79202, Engine No.



BE4FH2080098 in his favour, which has been seized in connection with Baghaila P.S. Case No. 60/019 under village Karan informant of Murari Singh Dalan in street in the District of Rohtas (Sasaram) instituted for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016 and in which matter the confiscation proceeding has been initiated against the said vehicle which Excise Confiscation Case No. 167/2020 has been started against the said vehicle but no any proper notices has been served to the petitioner till date in the said vehicle by the officer of D.M., Rohtas.

And/or for any other appropriate relief(s) to the petitioner for which he may be found entitled to in the eye of law.”

It has been submitted by learned counsel for the State that final order has been passed by the confiscating authority in confiscation case no.167 of 2020, as such present writ petition for interim release of vehicle has become infructuous.

This writ petition is disposed of with liberty to the petitioner to avail the statutory remedy of appeal against the



order passed by the confiscating authority and if any such appeal is filed within eight weeks from today, the appellate authority shall condone the delay in filing the appeal and shall decide the appeal on merit preferably within eight weeks thereafter.

During pendency of appeal, the confiscated vehicle shall not be auction sold, if not already auction sold.

With aforesaid liberty, the writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

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

