

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5874 of 2021

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Mohammad Manarul S/o Mohammad Yunus resident of Singalpur Sonaili
Kadwa, P.S. Sonaili, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The Excise Commissioner, Prohibition Excise and Registration Department, Government of Bihar.
3. The District Magistrate, Katihar.
4. The Superintendent of Police, Katihar.
5. The Excise Superintendent, KATIHAR.
6. The Sub-Divisional Magistrate, Katihar.
7. The SHO Dandkhorha Police Station, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhaneshwar Vashist, Advocate
For the Respondent/s : Mr.Vivek Prasad (G.P. 7)

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

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

Date : 22-06-2021

Heard the Parties.

Petitioner has prayed for following relief(s):-

“(I) For quashing the order dated 07.07.2020 passed by respondent no.-6 SUB DIVISIONAL Magistrate Katihar in excise prohibition Vehicle Confiscation Case no.- 363/19-20 (State Vs. Mohahmad Manarul), where in the said respondent has passed order of confiscating the vehicle Scorpio Car bearing Registration No. BR11W-3451 specifically mentioned



in FIR having chassis no.- MA1TA2TDKF5D13637, Engine No.- TDF4D87367 which was seized by the police in connection with Dandkhora P.S. Case No. 92 of 2019 registered on 08.10.2019 for the offence under section 30(a) of Bihar Prohibition and Excise Act, 2016.

(II) For restraining the Respondent from putting the vehicle in question for public auction.

(III) For direction upon the respondents for release of the SCORPIO Car bearing Registration No. BR11W-3451 specifically mentioned in FIR and having Chassis No.- MA1TA2TDKF5D13637, and Engine No. - TDF4D87367 in favour of the petitioner.

(IV) For any other relief/reliefs for which the petitioner is entitled for in the facts and circumstances of the case.”

Petitioner has filed this writ petition against the final order of confiscation passed by the District Collector-cum-Confiscating Authority, Katihar in Confiscation Case No. 363 of 19-20, without exhausting his statutory remedy of appeal under the Excise Act.

The writ petition is disposed of with liberty to petitioner to avail the remedy of appeal against order passed by the District Collector-cum-Confiscating Authority before the appellate authority, and if any, such appeal is filed within eight weeks, the appellate authority shall condone the delay in filing appeal as the matter remain pending before this Court and shall decide the appeal on its own merit preferably within eight weeks



from the date of its filing.

The writ petition is accordingly disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

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

