

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15113 of 2021

=====

Sanjit Singh son of Jagdish Singh resident of Village - Maniyarpur, P.S. -
Madhusudanpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal, Secretary, Department of Registration and Excise, Bihar, Patna -1.
2. The Principal Secretary, Department of Registration and Excise, Bihar, Patna- 1.
3. The Collector, Bhagalpur.
4. The Senior Superintendent of Police, Bhagalpur.
5. S.H.O., Madhusudanpur Police Station, Bhagalpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Vivekanand Vivek, Mr. Rang Nath pandey, Mr. Debesh Kumar Poddar, Advocate
For the Respondent/s	:	Mr.Vikash Kumar (Sc11)

=====

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 : 13-09-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“(i) For issuance of an appropriate writ/writs/order/orders/direction/directions commanding the respondents to quash the order dated 23.4.2020 passed by the Collector, Bhagalpur in Misc. (Excise) Case No.241/2019-20 arising out of Nathnagar (Madhusudanpur) P.S. Case No.546/2018 registered under Section 30(a) of Bihar Excise &

Prohibition Act, 2016 contained Annexure-2 of the application whereby and whereunder the learned Collector has confiscated the hero Splender Motor Cycle bearing registration No.BR10Z-2887 and directed to put on auction sale in violation of various orders passed by the Hon'ble Court Viz- CWJC No.2050/2020.

(ii) For issuance of an appropriate writ/writs/order/orders/direction/directions commanding the respondents to release the Motor cycle of the petitioner who is registered owner bearing registration No.BR10Z-2887 seized in connection with Nathnagar (Madhusudanpur) P.S. Case No.546/2018 during the pendency of any proceeding or appeal in terms of order dated 8.7.2020 passed in CWJC No.2050/2020 Munilal Sah Vs. The State of Bihar & Others.

(iii) For issuance of any appropriate writ/writs/order/orders/ direction/directions to which the petitioner is entitled in accordance with law. ”

Petitioner has approached this Court without exhausting the statutory remedy of appeal against the impugned order, as such, petitioner is granted liberty to avail the remedy of appeal against the confiscation order passed by the Confiscating Authority- cum- District Magistrate, before the Appellate Authority and if any such appeal is filed within 4 weeks then appellate authority shall condone the delay in filing the appeal and shall decide the appeal on its own merit preferably within 8 weeks from the date of its filing.

During pendency of appeal, the confiscated property/

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)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.09.2021
Transmission Date	NA