

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.470 of 2021

In

Civil Writ Jurisdiction Case No.14144 of 2019

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Arun Kumar Son of Umesh Sah Resident of Village- Pir Maker, P.O.-Pir Maker, P.S.-Maker, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department, Govt. of Bihar, Old Secretariat, Patna.
2. The District Magistrate Saran at Chapra.
3. The Superintendent of Police Saran at Chapra.
4. The S.D.H.O. Maker Police Station, Dist. Saran at Chapra.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 10-03-2021

Petitioner has prayed for the following relief(s):

“For modifying the order dated 25.06.2020 passed in C.W.J.C. No. 14144 of 2019. After extension of time allow the petitioner to appear before the authority where case is pending for release of vehicle Hero Splendor Plus Motorcycle Registration No. BR04V7530, Chassis No. MBLHAR075HHC-47905, Engine No. HA10AGHHC53056 belongs to the petitioner, which has been seized by A.S.I. Maker Police Station (arising out of Maker P.S. Case No. 137/2018) dated 16.09.2018 registered under section



188, 272, 273, 308 of the I.P.C. and 30/30(a)/41/47 of Bihar Prohibition and Excise Act, 2016 which was seized by ASI Maker Police Station pending in the Court of 6th A.D.J. (Excise) Special Court, Saran at Chapra which is laying in the open Sky without any care.”

This case has been listed under the heading “To be Mentioned” at the instance of learned counsel for the petitioner for extension of time granted to the petitioner to appear before the Collector-cum-Confiscating Authority vide order dated 25.06.2020 passed in C.W.J.C. No. 14144 of 2019.

However, it is submitted on behalf of the State that final order of confiscation has already been passed by the District Magistrate-cum-Confiscating Authority.

As such, the writ application (CWJC No. 14144 of 2019), filed for interim release of the vehicle, has become infructuous.

Accordingly, the present application is disposed of with liberty to the petitioner to file appeal before the Appellate Authority against the order passed by the Confiscating Authority and if any such appeal is filed within a period of four weeks, the delay in filing the appeal shall be condoned as the matter remained pending before this Court and the Appellate Authority



shall decide the appeal within 60 days from the date of filing of
the appeal.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/P.K.P

AFR/NAFR	
CAV DATE	
Uploading Date	16.03.2021
Transmission Date	

