

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4656 of 2021**

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Pashupati Nath Singh, Son of Jagarnath Prasad Singh @ Jagarnath Pd. Singh,  
Resident of Village-Majlispur, P.S.-Mahnar, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Principal Secretary, Excise Department, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The District Magistrate-cum-Collector, Vaishali at Hajipur.
5. The Superintendent of Police, Vaishali at Hajipur.
6. The S.H.O. Mahnar Police Station, District-Patna.
7. The Investigating Officer, Desari (Sahdei O.P.) P.S. Case No. 215 of 2020, District-Vaishali.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Anshul  
Mr. Anuj Kumar, Advocates  
For the Respondent/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)**

**(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:-

“A. For releasing the Scorpio jeep bearing registration No.BR31PA 0047, Engine No.SJG4B21602, Chassis No.MA1TA2SJXG2B23618 seized in connection with Desari (Sahdei O.P.) P.S. Case No.215 of 2020 dated 21.08.2020 instituted under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 33, 41 of the Bihar Prohibition & Excise Act, 2018 awaiting confiscation.

B. To any other relief/s to which the petitioner is found entitled to.”

It has been submitted on behalf of learned counsel for



the State that final order of confiscation has already been passed in Confiscation Case No.19/2020 by the confiscating authority, as such, present writ application 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 as the case has remained pending before this Court and shall decide the appeal on its own merit preferably within eight weeks from the date of its filing.

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)**

Sanjay/-

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| AFR/NAFR          | NAFR       |
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