

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7820 of 2021

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Sandip Kumar Singh Son of Sri Kalpnath Singh Resident of Karwaini Gazi,
P.S. - Kuchaikote, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, New Secretariat, Patna.
2. The District Magistrate, Gopalganj, Bihar.
3. The Senior Superintendent of Police, Gopalganj, Bihar.
4. The S.H.O., Kuchaikote Police Station, Gopalganj, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Singh Mr. Kumar Kaushlendra, Advocates
For the Respondent/s	:	Mr.Kumar Manish (Sc5)

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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 : 28-06-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“ For setting aside the order dated 23.01.2021 passed in Kuchaikote P.S. Case No.182/2020 and Trial No.4479/2021, which is annexed as Annexure 3 with this application, whereby and whereunder the learned court below has been pleased to reject the petition, which was filed for release of vehicle (Passion Pro Motorcycle) bearing Reg. No.BR 28U 5072, Engine No. JA06EUIJHE06336 and Chassis No.MBLJAR140JHE04977 with mobile handset with SIM card bearing mobile No.9661271453 or for any other order or orders which this Hon’ble Court may deem fit and proper under the facts and circumstances of this case.”



It has been submitted by learned counsel for the State that final order has been passed by the confiscating authority in confiscation case no.493 of 2020 on 25.02.2021, as such present writ petition for interim release of vehicle has become infructuous.

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 four weeks from today, the 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	29.06.2021
Transmission Date	NA

