

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7366 of 2021

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Shambhu Yadav Son of Jagdev Yadav Resident of village- Haripur Tinkonma,
P.s.- Murliganj, District- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar through the Excise Commissioner, Excise Dept., Bihar, Patna
2. The District Magistrate, Madhepura
3. The Additional Collector cum Additional District Magistrate, Madhepura
4. The Superintendent of Police, Madhepura
5. The Excise Superintendent Madhepura

... .. Respondent/s

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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.)

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Adv
For the Respondent/s : Mr. Vivek Prasa, GP-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 21-06-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“i. For issuance of writ in the nature of certiorari for quashing of order dated 14.01.2021 passed by Respondent no. 3 in Excise Confiscation Case No. 34 of 2020 whereby petitioner’s Hero Splender Plus Motorcycle Regd. No. BR43N7641 has been ordered to confiscate and it was further directed to make auction of the vehicle.

ii. For issuance of writ in the nature of Mandamus direction to respondents to release the petitioner’s vehicle Hero Splender Plus Motorcycle Regd. No. BR43N7641 in favour of petitioner which was seized in Puraini P.S. Case No. 28 of 2020.”



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 concerned Confiscating Authority- cum- District Magistrate, before the Appellate Authority and if any such appeal is filed within 8 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 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)

ranjan/-

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

