

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7472 of 2021

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Binda Paswan, Son of Anurag Paswan, Resident of Village- Rupas Mahaji,
Police Station- Salimpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Excise Department, Government of Bihar, Patna.
2. The Excise Commissioner Government of Bihar, Patna.
3. The District Magistrate Patna.
4. The Superintendent of Police Patna.
5. The Excise Superintendent Patna.
6. The Station House Officer P.S.- Salimpur, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav, Advocate
For the Respondent/s : Mr. Vivek Prasad, G.P. 7

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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 : 21-06-2021

Heard the parties.

Petitioner has prayed for following relief(s):-

- (i)“For issuance of an appropriate order, direction or writ in the nature of MANDAMUS commanding the respondents to release the Pickup Van bearing Registration No. BR31GA-



7836, Chassis No. MAIZN2TBKH1G55944, Engine No. TBHIG70887, which has been seized in connection with Salimpur P.S. Case No. 210/2019 for the alleged offences under Sections 30(a), 32(1)(2)(3), 41(1) of Bihar Prohibition and Excise Act, 2016 which is pending in the learned court of Special Judge, Excise, Patna.

(ii) For any other relief or reliefs for which the petitioner may be found entitled in the facts and circumstances of the case.”

It is submitted on behalf of counsel for the petitioner that during pendency of this petition, final order of confiscation has been passed by the District Magistrate-Cum-Confiscating Authority, as such, present petition for interim release of the vehicle during confiscation proceeding has become infructuous.

The writ petition is disposed of with liberty to 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, the appellate authority shall condone the delay in filing appeal as the matter remain pending before this Court and shall decide the appeal on its own merit preferably within eight weeks from the date of its filing.



The writ petition is accordingly disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

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

