

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7698 of 2021

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Sajjan Kumar Roy @ Sanjay Kumar Roy @ Sajay Ray Son of Amresh Roy,
Resident of village- Sindhiya Basti(Hansada Basti), Gulabbagh, P.S. Sadar,
District- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Excise Department,
Government of Bihar, Patna.
2. The District Magistrate-Cum-Collector, Purnia.
3. The Senior Superintendent of Police, Purnia.
4. The S.H.O., Amour Police Station, Purnea.

... .. 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.Nishant Kumar Sinha, Adv
For the Respondent/s : Mr.Vivek Prasad (GP7)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 22-06-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

“For directing the concerned respondent to
release the Tempu having Registration No. BR-11PA-4896
in favour of the petitioner arising out of Amour PS Case
No.230 of 2018, whereby and whereunder the confiscation
proceeding has been initiated as confiscation case no. 158
of 2019 before the Collector, Araria, and confiscated vide
order dated 13.12.2019 (Annexure-3) and the said vehicle is
lying in open space of the police station Amour
since 07.12.2018 as it was seized for the offences under
section 30(a) of the Bihar Prohibition and Excise Act,
2016.”



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 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

