

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8320 of 2021

Amrendra Kumar Son of Ramavatar Singh @ Ramautar Singh, Resident of Village - Morsand, Mantola, Ward No. 01, Police Station- Pusa, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The District Magistrate cum Collector, Samastipur.
3. The Excise Deputy Commissioner, Darbhanga.
4. The Superintendent of Police, Samastipur.
5. The Superintendent of Excise, Samastipur.
6. The Presiding Officer (Excise) cum Senior Deputy Collector Samastipur.
7. The Officer -In-Charge cum S.H.O. Pusa Police Station Under District - Samastipur.
8. The Investigation Officer, S.I. Pusa Police Station Under District - Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar, Advocate
For the Respondent/s : Mr. Kumar Manish, SC 5

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:-

“ (i) For issuance of a writ in the nature of certiorari to quash the order dated 19.02.2021 of confiscation (Excise) Case No.562 of 2019 (State Vs.



Aditya Thakur) in Pusa Police Station Case No.89 of 2019 issued under signature of presiding officer (Excise) cum Senior Deputy Collector, Samastipur (Annexure-4) which has been proposed for auction of seized vehicle Scorpio bearing registration No. BR-06PD-8431, Chassis No.MA1TA2TDKJ2D42481, Engine No.TDJ4D88963.

(ii) For issuance of a writ to release the Scorpio bearing registration No.BR-06PD-8431, Chassis No.MA1TA2TDKJ2D42481, Engine No.TDJ4D88963 in favour of the petitioner which was seized in Pusa Police Station Case No.89 of 2019, registered under Sections 30(a), 41(2) of the Bihar Prohibition and Excise Amendment Act, 2016, for recovery of 22 cartons of English wine as total 198 liters English wine.

(iii) To any other relief/s to which the petitioner is entitled in the facts and circumstance of the case.”

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 4 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 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

