

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8440 of 2021

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Ajay Kumar Son of Kapildeo Mahto Resident of Village- Hawaspur, Ward
No. 14, P.S.- Mansoorchak, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Prohibition and Excise, Government of Bihar, Patna.
2. The District Magistrate, District- Begusarai.
3. The Inspector/ Sub- inspector, Excise, Raiding Party, Begusarai.

... .. 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.Zeyaul Hoda, Adv
For the Respondent/s : Mr.Kumar Manish SC-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 28-06-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“For issuance of a writ in the nature of Certiorari or any other appropriate writ for quashing of the order dated 08.12.2020 passed by District Magistrate, Begusarai in Confiscation Case No. 116/2020 (State Versus Ajay Kumar) whereby and whereunder he has confiscated the vehicle of the petitioner bearing Registration No. BR-09AF-8528 (Tigor Car) and has directed the Sub-Divisional Officer, Begusarai to confiscate the above mentioned vehicle and also directed to auction the vehicle. Prayer is also to release the vehicle in question and stay the auction proceeding in which a notice dated 18.09.2020 has been issued from the office of the Collector, Begusarai.”



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

