

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9232 of 2021

Subodh Kumar, son of Sone Lal Mahto, Resident of Village-Maidapur
Sharfuddinpur, P.S.-Muzaffarpur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate, Sitamarhi.
4. The Superintendent of Police, Sitamarhi.
5. The Sub Inspector Excise, Sitamarhi.
6. The A.S.I. cum SHO of Parsauni Police Station, District-Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Birendra 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 : 01-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

(I) For issuance of appropriate/ writ/ writs/
direction /directions /order / orders for release of the Shine SP
Honda Motorcycle bearing Registration No. BR 06 BQ 2675,
Engine No.JC73ET2099063, Chassis
No.ME4JC737FJT054349 in connection with Parsauni P.S.
Case No. 107/ 2020 dated 23.12.2020 registered for an



offence under Section 30(a) of Bihar Prohibition & Excise Act, 2016 pending in the court of learned A.D.J.-II-cum-Special Judge (Excise Act) Sitamarhi, which has not been sent to the learned Collector cum District Magistrate, Sitamarhi for its confiscation.

(ii) For issuance of appropriate / writ / writs / direction / directions / order / orders for release of vehicle in question in favour of the petitioner on adequate surety on the terms and conditions as laid down by this Hon'ble Court.

(iii) For any other relief/ reliefs to which the petitioner may be found entitled in the facts and circumstances of the case.”

It has been submitted by learned counsel for the State that final order has been passed by the confiscating authority on 24.03.2021 in confiscation case no.252 of 2020, as such, present writ petition for interim release of vehicle has become infructuous.

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 from today, the 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	02.07.2021
Transmission Date	NA

