

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9438 of 2021

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Kumar Gaurav son of Sudhir Singh resident of Vill- Ratanpura, House No-00, Ward No- 06, P.S.- Motipur, Muzaffarpur, Bihar 843111.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The District Magistrate, Gopalganj (Bihar).
3. The Superintendent of Police, Gopalganj (Bihar).
4. The SHO, Government Official Complaint Case. Gopalganj P.S.(Bihar)

... .. Respondent/s

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Adv
For the Respondent/s : Mr.Kumar Manish (SC5)

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

Date : 05-07-2021

Heard learned counsel for the parties.

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

“For issuance of writ in the nature of Mandamus or any other appropriate writ or direction upon the respondents directing them to release the vehicle of the petitioner i.e. Mahindra Scorpio bearing no. Registration no. BR06PE6639 the chassis no. MA1TA2TDKK2L36271, Engine No. Bearing TKD4L79897 which has been seized in connection with Government official complaint Gopalganj PS case No. 43 of 2020 registered under section 30(a) of the Bihar Prohibition & Excise Act, 2016.”

It has been submitted by learned counsel for the State



that during pendency of this writ petition, final order has been passed by the Confiscating Authority and vehicle has been directed to be confiscated and put on auction, as such present writ petition for interim release of the seized vehicle has become infructuous.

In view of the above, 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

