

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9386 of 2021

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Ram Karan Prasad son of Jholi Prasad Resident of Village - Mohanpur, P.S.
Pandauly, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna.
2. The District Magistrate- cum Collector, Jamui.
3. The Superintendent of Police, Jamui.
4. The Superintendent of Excise, Jamui.
5. The Officer - in - charge, Chakai Police Station, P.S. - Chakai, District-
Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Kishore Sinha, Advocate
For the Respondent/s : Mr. Kumar Manish, S.C. 5

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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.)

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

Date : 01-07-2021

Heard the parties.

Petitioner has prayed for following relief(s):-

- “(i) For issuance of writ in the nature of
Certiorary to quash the order dated
22.01.2021 passed by the District Magistrate-
cum-Collector, Jamui, respondent no. 2 in
Confiscation Case No. 32/2020, arising out of
Chakai P.S. Case No. 59/2020 lodged under
Section 30(a) of Bihar Prohibition Excise Act,
2016 by which District Magistrate
confiscated the seized Scorpio Jeep and
prayer for releasing of such Scorpio Jeep
rejected and put the Scorpio Jeep on auction.
(ii) For issuance of writ in the nature of



Mandamus commanding and directing the respondents concerned to release the seized Scorpio Jeep, bearing Registration No. BR-32PA/2014 in favour of the petitioner and not to put on auction.”

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)

Rajiv/veena-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

