

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9979 of 2021

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Rohit Kumar Son of Bishnudev Yadav, resident of Village Parri, P.S. Alouli,
District - Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Department,
Government of Bihar, Patna.
2. The Principal Secretary, Excise Department, Government of Bihar, Patna.
3. The District Magistrate, Khagaria.
4. The Superintendent of Police, Khagaria.
5. The Thana In Charge, Alouli, Police Station Alouli, District - Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Advocate
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)

**(The proceedings of the Court are being conducted through
Video Conferencing and the Advocates joined the proceedings
through Video Conferencing from their residence.)**

Date : 06-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“For giving order/ orders, direction/ directions
commanding the respondents to release the motor cycle bearing
registration No. BR34C9889, Chassis
No.ME4KC209DJ8032874, Engine No. KC 2 OE81055892
which has been seized by Thana Adhyaksh of Alouli police
station, Khagaria and the same is lying in the campus of Alouli
police station in connection with Alouli P.S. Case No. 398 of
2019 for the offences registered under Section 30(a) of Bihar
Prohibition and Excise Act, 2018.”



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 on 25.06.2021, 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 4 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	08.07.2021
Transmission Date	NA

