

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10411 of 2021

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Sanjay Kumar Singh, S/o Kedar Prasad Singh R/o- Old Gandak Pul Road,
Jauhari Bazar, P.O. - Hajipur, P.S. - Hajipur Town, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through, The Principal Secretary, Health Department,
Government of Bihar, Patna.
2. The District Magistrate, Vaishali at Hajipur.
3. The Additional District Magistrate, Vaishali.
4. The Officer In-charge, P.S. - Hajipur Town, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar, Advocate
For the Respondent/s : Mr. Vikash Kumar, S.C. 11

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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 : 08-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

“(i) For setting aside/quashing the order dated
22.01.2021 passed by the respondent no. 3
i.e., the Additional District Magistrate,
Vaishali in Confiscation Case No. 213 of
2020-21, which has been passed wholly
without jurisdiction, since the vehicle of the
petitioner, bearing Registration No. BR-01PL
3209, stood deemed released, in terms of the
order dated 14.09.2020 passed in C.W.J.C.
No. 7576 of 2020 and as such, the respondent
authorities concerned had lost their
jurisdiction on the 91st day from the date of



initiation of the confiscation proceeding and hence, the respondent authorities concerned have acted wholly without jurisdiction by continuing with the confiscation proceeding after 90th day and were bound to release the vehicle in favour of the petitioner on such expiry of 90th day i.e., 30.12.2020;

(ii) For directing the respondent authorities, respondent nos. 2 and 3, in particular, to forthwith release the vehicle of the petitioner bearing Registration No. BR-01PL 3209, since the vehicle in question stood 'deemed to have been released', after the lapse of ninety days from the date of initiation of confiscation proceedings, since the confiscatory proceedings could not be concluded within the period of ninety days from the date of its initiation, due to the own lapse of the respondent authorities concerned;

(iii) For grant of any other relief/reliefs which may deem fit and proper in the facts and circumstances of the case."

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

