

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10750 of 2021

Owner of the vehicle Deepak Kumar Singh son of Maheshwar Singh resident of Mohalla- Sankosai Road No. 4, Dimne Road, Mango Jamshedpur, Kopali, M.G.M. Medical College, Seraikela, Kharsawan, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The District Magistrate, Bihar Sharif, District- Nalanda.
3. The Senior Superintendent of Police, Nalanda.
4. The S.H.O., Parbalpur and Special Excise Officer, Nalanda.

... .. Respondent/s

(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. Ajay Kumar, Adv
For the Respondent/s : Mr. Kumar Manish SC-5

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

Date : 08-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“That the present writ petition is being filed for directing and commanding the respondents to release the Model No. MARUTI DZIRE VDI, Motor Car Passenger Car, Regd. No. JH05CP3295, Chasis No. MA3CZF03SKL61614098, Engine No. D13A-3573708 in favour of the petitioner, which has been seized in connection with Parbalpur PS Case No. 7 of 2021 alleged offence under Section 30(a) of Prohibition and Excise Act. ”

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 in Confiscation Case No. 85 of 2021 dated 10.03.2021 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.

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 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

