

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10125 of 2020

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Manav Sharma, Son of Om Prakash Sharma, Resident of 1/196, Nala Peepal
Mandi, near Rawat Para, P.S.- Agra Fort, District- Agra (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna.
2. The District Magistrate Gopalganj.
3. The Superintendent of Police Gopalganj.
4. The Inspector Prohibition of Liquor, Department of Excise, District-
Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Respondent/s : Mr. Vivek Prasad, GP-7

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

Date : 20-01-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

A) To issue a writ in the nature of certiorari,
setting aside order dated 03.03.20 contained in
Memo No. 805 dated 07.03.2020 passed by the



District Magistrate-cum-Collector, Gopalganj in Confiscation (Excise) Case No. 46/20, in whereby and whereunder the learned District Magistrate, Gopalganj ordered to confiscate and put the vehicle of the petitioner on auction sale, while disposing the application of the petitioner filed in pursuant to order dated 16.1.20 passed in C. W.J.C. No. 837/20.

B) To issue a writ in the nature of mandamus directing/commanding the Respondents to release the vehicle XUV 500 (Black) bearing registration No. UP-80CM-0007, having having chassis No. C12111 and Engine No. C14726 in favour of petitioner which has been seized in Connection with Excise Case No. 314/19 dated for 09.09.2019, District -Gopalganj, instituted for the alleged offence registered under Section 30(a) of Bihar Prohibition and Excise Act.

It has been submitted by learned counsel for the petitioner that during pendency of this writ petition, final order dated 03.03.2020 has been passed in Confiscation (Excise) Case No.46 of 2020 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 and that he be permitted to withdraw the present petition reserving liberty to challenge the order.

Present petition stands disposed of as withdrawn reserving liberty to file appeal against the order of District Collector/Confiscating Officer, Gopalganj before the appellate authority within 60 days and if any such appeal is filed, the



appellate authority shall condone the delay in filing the appeal and shall decide the appeal on merit within 60 days from the date of filing of such appeal.

With aforesaid observation and liberty, this writ petition is disposed of.

(Sanjay Karol, CJ)

(Prabhat Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	21.01.2021
Transmission Date	

