

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12526 of 2021

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Prafull Chandra Rai @ Santu Singh Son of Maheshwar Singh Resident of
Village- Bana Bigha, P.S.- Parwalpur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The District Magistrate Nalanda.
3. The Superintendent of Police Nalanda.
4. The S.H.O., Parwalpur Police Station District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Mrigendra Kumar
		Mr. Hans Raj, Advocates
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 : 22-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

“For issuance of an order/orders, writ/writs,
direction/directions commanding the respondents authority to
release the Scorpio jeep bearing registration No. BR-21K-
4885, Chassis No. MA1TH2GMKE5C93123 and Engine
No.GME4C77239 belonging to the petitioner which has been
seized by the police in connection with Parwalpur P.S. Case
No. 54/2021 dated 27.03.2021 instituted for the offences under
Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018 as contained in Annexure-1 to the writ
application, pending in the Court of learned 2nd Addl. District
and Sessions Judge, Nalanda at Biharsharif.”



It has been submitted by learned counsel for the petitioner that during pendency of this writ petition, final order of confiscation has been passed by the confiscating authority, 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	24.07.2021
Transmission Date	NA

