

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12669 of 2021

Mr. Bishnu Kumar, Son of Shri Ram Nath Sharma, Resident of Village - Sheikhpura, P.O.- Khajuri, P.S.- Naubatpur, District - Patna, Bihar - 801109.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Old Secretariat, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The Collector -cum-District Magistrate, Kaimur (BHABHUA).
4. The Superintendent of Police, Kaimur (BHABHUA).
5. The Station Head Officer, Mohania Police Station, Kaimur (BHABHUA).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Apurv Harsh, Advocate
For the Respondent/s : Mr. Vikash Kumar (S.C. 11)

(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 : 27-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

- “(i) For issuance of appropriate writ/order directing the respondent authorities for release of the Hyundai Venue Car bearing Registration No. BR-01FA-4170 which has been seized by the police Mohania P.S. Case No. 117 of 2021 dated 26.03.2021, Spl. Case No. 350/2021 pending before the court of Special Judge Excise, Kaimur at Bhabhua registered for offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.
- (ii) For issuance of appropriate writ(s), order(s) or direction(s) directing the respondent to take no coercive measure against the petitioner in connection with the Mahania P.S. Case No. 117 of 2021 dated 26.03.2021, Spl. Case No. 350 of 2021 pending before the court of Special Judge Excise, Kaimur at Bhabhua, registered for offences punishable under Section 30(a) of Bihar Prohibition & Excise Act, 2016.
- (iii) For any other relief or reliefs to which the petitioner is entitled 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