

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13653 of 2021

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Ram Narayan, Son of Bhukhan, resident of Village-Khajuri, P.S.-Dildar Nagar, District-Ghazipur (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
2. The District Collector cum District Magistrate, Kaimur at Bhabua.
3. The Superintendent of Excise, Kaimur at Bhabua.
4. The Superintendent of Police, Kaimur at Bhabua.
5. The S.H.O. Ramgarh (Nuaon) Police Station, District-Kaimur at Bhabua.
6. The Assistant Sub-Inspector (Informant), Nuaon Police Station, District-Kaimur at Bhabua.

... .. Respondent/s

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(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.Parwej Khan, Adv
For the Respondent/s : Mr.Vikash Kumar (SC11)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 03-08-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“That this writ application is being filed on the behalf of petitioner for issuance of of any appropriate writ(s)/order(s)/direction(s) to set aside the order dated 17.06.2021 by the District Collector cum District Magistrate, Kaimur, at Bhabua (Res. No. 2), passed in vehicle confiscation case no. 54 of 2021, by which Superintendent, Excise, Kaimur at Bhabua (Res. No. 3) directed to deposit the auction amount in treasury Kaimur, through the Chalan within 2 months after auction sale of the vehicle (TVS APACHE MOTORCYCLE) bearing registration no. UP61 AP-7402 which was seized under section 30(a) of the Bihar Excise and Prohibition Act,

2018 in connection with Ramgarh (Nuaon) P.S. Case No. 67 of 2021, and further necessary direction to the authority concerned to release the vehicle forthwith and/or to allow other suitable relief(s) in 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)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA