

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13767 of 2021

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Ekram @ Md. Ekram son of Ismail Resident of Village- Ahilgoan P.S.-
Jalalgarh District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, the Department of Custom and
Excise, the Government of Bihar Patna.
2. The Collector Katihar District- Katihar.
3. The Sub Divisional Magistrate (S.D.M) Barsoi District- Katihar.
4. The Superintendent of Police Katihar District- Katihar.
5. The Deputy Superintendent of Police Katihar District Katihar.
6. The Office In Charge of P.S. Balrampur District Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Nadimul Hasan, Advocate
For the Respondent/s	:	Mr.Vivek Prasad (Gp7)

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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 : 10-08-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“(i) For issuance of an appropriate writ/writs,
order/orders, direction/directions to stay the order dated
12.06.2021 passed in confiscation case no.04/21-22 passed by

the respondent no.3 in which process of oxen of the vehicle bearing registration no. BR-11PB-5490 chassis No. MA1TA2TDKK2A 10113, Engine No. TDJ4M 93117 has been issued against the said vehicle of the petitioner namely Ekram @ Md Ekram, son fo Ismail of village Ahilgoan, P.S. Jalagarh District, Purnea, which was seized in connection with Balrampur P.S. Case No.19 of 2021 on dated 15.02.2021 offence under Section 30-A of the Bihar Excise Act 2016 and further be pleased to release the said vehicle of the petitioner White SCORPIO bearing registration no.BR-11PB-5490, Chassis No. MA ITA2DKK2A10113 and Engine No. TDJ4M 93117 in favour of the above named petitioner. And also set aside the proceeding of the confiscation case no.04 of 2021-2022.

II. Any other relief or reliefs for which the petitioner is entitled in facts and circumstances of this 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 4 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 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	14.08.2021
Transmission Date	NA