

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9826 of 2020

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Arvind Kumar Tiwari @ Arvind, Son of Kailash Nath Tiwari @ Kailash,
resident of Village Sabha Kharagpur (Chak Kharawan) Sadho Ghat, P.S.
Badagaon, District - Vaishali, (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate and Collector, Rohtas, District Rohtas.
3. The Sub-Inspector of Police, Natwar, P.S. Natwar, District Rohtas.
4. Assistant Sub-Inspector of Police, Natwar P.S. Natwar, District - Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Advocate
For the Respondent/s : Mr. Vivek Prasad, G.P. 7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 24-05-2021

Heard the parties.

Petitioner has prayed for following reliefs:-

“(i) For the release of the petitioner’s
Bolero vehicle of white colour
bearing Registration No. U.P. 65 C.D.
8530, Chassis No. MA1 XA2
GHKG5A43805, Engine No. GHF4
M63771 which admittedly belongs
the petitioner as reported by the
respondent no. 3 in his report dated



10.03.2019 made in pursuance of the order dated 06.03.2019 passed by the learned Additional District and Sessions Judge-II cum Special Judge Excise, Rohtas rejected on 06.04.2019 the petitioner petition dated 17.11.2018 for the release of the aforesaid vehicle to him.”

It is submitted on behalf of counsel for the state that confiscation proceeding was initiated against the seized vehicle in which notices were issued to the petitioner but he did not appear before the Confiscating Authority and final order of confiscation has been passed on 22nd of September, 2020 in Confiscation Case No. 138 of 2019.

It is submitted on behalf of petitioner that no notice was ever served upon petitioner.

Writ petition is disposed of with liberty to the petitioner to file a petition before the Confiscating Authority for recall of the order on the ground that there was no service of notice upon him and, if any, such petition is filed within six weeks, the Collector shall examine the record and if he finds that notices were not validly served upon the petitioner, he shall



recall the ex-parte order and shall pass fresh order after giving opportunity of hearing to all the parties concerned and if Collector/Confiscating Authority finds that notices were validly served upon the petitioner and in spite of valid service he did not appear, the petitioner shall be at liberty to file appeal before the appellate authority against the order dated 22.09.2020 passed in Confiscation Case No. 138/2019 passed by the Confiscating Authority.

The writ petition is accordingly disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/-

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

