

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10251 of 2020

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Nathi Kumar Son of Jogi Bind Resident of Village- Ghoswari, Police Station- Ghoswari, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary of Excise Department, Bihar at Patna.
2. The Collector-cum- District Magistrate, Patna.
3. Superintendent of Police, Patna.
4. S.H.O., Ghoswari P.S., District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate
For the Respondent/s : Mr. A.C. to A.G.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

2 22-02-2021 Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

“(i) For direction to the State respondents to release “Hero Glamour Motorcycle” of the petitioner bearing Registration No.BR-01ED-7009, which was seized in Ghoswari P.S. Case No.84 of 2019 for the offence punishable U/s 30(a) of Bihar Prohibition and Excise Act, 2016, by respondent no.2, in favour of the petitioner.

(ii) Also for any other relief / reliefs for which the petitioner is entitled in the eye of law.”

It has been submitted on behalf of counsel for petitioner that during pendency of writ petition, final confiscation order has been passed in confiscation case No.84 of 2019, as such, present writ petition for interim release of the



vehicle has become infructuous.

The writ petition is disposed of with liberty to petitioner to challenge the order passed by confiscating authority by filing an appeal before the appellate authority and if any such appeal is filed by the petitioner within 6 weeks, the appellate authority shall condone the delay in filing the appeal as matter remained pending before this Court and shall decide the appeal on merit within 60 days from the date of filing of such appeal.

(Sanjay Karol, CJ)

(S. Kumar, J)

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