

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14249 of 2021

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Jaymanti Devi Wife of Janardan Yadav, resident of Village - Amba, P.S.-
Jhajha, and District - Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna.
2. The District Magistrate, Jamui.
3. The Superintendent of Police, Jamui.
4. The Excise Superintendent Inspector, Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Akash Raj, 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)

(The proceedings of the Court are being conducted through Video Conferencing and the
Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 21-08-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

“(i) For issuance of writ/order/directions to quash the order dated 19.03.2021 passed by respondent no. 2 in Confiscation Case No. 26 of 2019 wherein an ex parte order has been passed against the petitioner and it has been ordered to auction the motorcycle of the petitioner bearing registration no. BR 46E 1268 which was allegedly seized in connection with Jhajha P.S. Case no. 479 of 2018 dated 17.12.2018 for the alleged offences u/s 272/273 of Indian Penal Code and 30(a) of Bihar Prohibition and Excise Act.

(ii) For issuance of writ/order/directions commanding the respondent authorities to provide a fair opportunity to the petitioner to present her case before them adhering the principle of natural justice.

(iii) For issuance of any other appropriate writ, order or directions which his lordships may deem fit and

proper 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