

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10826 of 2020

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Keshav Pandey S/o Late Baij Nath Pandey Resident of Village - Kewatarhi,
P.s. - Sheosagar, and Distt. - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Kaimur at Bhabhua.
2. The District Magistrate, Kaimur, Bhabhua.
3. The S.P. Kaimur, Bhabhua.
4. The S.H.O. Bhabhua P.S., Bhabhua, Kaimur.
5. The Officer-in-Charge, Sasaram Town P.S. Rohtas.
6. The Excise Superintendent, Kaimur, Bhabhua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dineshwar Mishra, Adv
For the Respondent/s : Mr. Vivek Prasad GP-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 : 24-03-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

“That this is an application for issuance of appropriate writ(s), order(s) or direction commanding the respondents to release the vehicle bearing registration No. BR 24R 6673 in favour of the petitioner, who is a registered owner of the aforesaid vehicle i.e. Passion Pro Motorcycle as the same has been seized in connection with Bhabhua P.S. Case No. 582/2019 dated 28.09.2019 u/s 30(A) of Bihar Excise Act 2016 and for quashing of the order dated 22.08.2020 passed by the Respondent No. 2.”

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 vehicle shall not be 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	30.03.2021
Transmission Date	NA

