

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1537 of 2021

Shiv Shankar Thakur S/o Rajendra Thakur, R/o-Vill-Lattipur, P.S.-Bihpur and District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar .

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Adv
For the Respondent/s : Mr. Vivek Prasad GP-7

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 26-03-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“(i) For commanding the respondents including District Magistrate, Banka to release the vehicle of the petition bearing registration BR10W2870 Chassis No. MBT611436BPK82242 which was seized in Nawada Bazar (Rajoun) P.S. Case No. 331/2019 under Section 30A, Bihar Prohibition of Excise Amendment Act, 2016.

(ii) For declaring the seizure of vehicle of the petitioner bearing registration BR10W2870 in Nawada Bazar (Rajoun) P.S. Case No. 331/2019 under section 30A, Bihar Prohibition of Excise Amendment Act, 2016 is illegal unwanted and bad in eye of law.

(iii) For declare offence under section 30A, Bihar Prohibition of Excise Amendment Act 2016 not applicable in Nawada Bazar (Rajoun) P.S Case No. 331/2019 in which vehicle of petitioner was seized.

(iv) For set aside the order dated 19.06.2020 pass in case number 533/19-20 arising out Nawada Bazar P.S. Case Number 331/19 registered under section 38 of Bihar Excise



and Prohibition Act (State versus Shiv Shankar Thakur).”

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, if not 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	05.04.2021
Transmission Date	NA

