

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14534 of 2021

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Raju Kumar Saw, S/o Kailash Saw, Village - Kesodih, Post - Kesodih
(Simadih), P.S.- Birni, District - Giridih, Pin Code- 825324 (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Patna.
2. The District Magistrate Cum Collector, Nalanda (Biharsharif).
3. The Additional District Collector cum District Magistrate, Nalanda.
4. The Senior Superintendent of Police, Nalanda.
5. The Superintendent of Police, Excise and Prohibition, Nalanda.
6. The Office in Charge Police Station Giriyaak (Nalanda).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Subodh Kumar, Advocate
For the Respondent/s : Mr. Vikash Kumar, S.C. 11

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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 : 27-08-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

“That this is an application for release of vehicle MODEL NO. Tata Tiago XE 1.2 RTN BS4 bearing Registration No. JH10-BV2328, Engine No. REVTRN02DPYK38937 and Chechis No. MAT626201KKD32496 owner of the petitioner, which has been seized by police in connection with Giriyaak P.S. Case No. 67/2020 dated 06.03.2020 and Excise G.R. No. 947/2020 registered under Section 30(a) of Bihar Prohibition and Excise Act.

To issue writ/writ, order/order, direction/directions against the respondent authority to quash the order dated 10.06.2021 passed by the Additional District Collector cum District Magistrate, Nalanda (Bihar Sharif) in Adhigrahan (Excise) Case No. 49/2021 (The State of Bihar Vs Raju Kumar

Sao).
And to pass such other order or orders as his lordships may be deem fit and proper under 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)

veena/rajiv-

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