

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.331 of 2021

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Suresh Kumar Chaudhary, Son of Sita Ram Chaudhary, Resident of Village-Dedaul, Police Station-Sakra, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Prohibition and Excise, Government of Bihar, Patna.
2. The Collector / District Magistrate, Gopalganj, District-Gopalganj.
3. The Excise Superintendent, Gopalganj District-Gopalganj.
4. The Superintendent of Police, Gopalganj, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh, Adv
For the Respondent/s : Mr. Kumar Manish SC-5

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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:-

“(i) An appropriate writ in the nature of Mandamus directing the respondent no. 2 to release the vehicle to the petitioner, bearing registration no. BR 01 P 7966 Chassis No. MA1PS2GPKC5G40264 Engine No. GPC4F14780, which is seized and registered the the case bearing Kuchaikote Poice station case No. 356 of 2019 under Section 30(a) of the Bihar Excise (Amendment), Act, 2018.

(ii) An appropriate writ in the nature of certiorari for quashing the notice vide memo 3634 dated 31.12.2019 passed by the respondent no. 2 in Confiscation (Excise) Case No. 585 of 2019, whereby and whereunder the respondent no. 2 has confiscated the vehicle of the petitioner on the ground that the same was used for the purpose of committing an offence under Section 30(a)of the Bihar Excise (Amended) Act, 2018 and also order dated 06.03.2020 passed in confiscation 585 of



2019 by 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

