

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.870 of 2021

VIKAS KUMAR, S/o Anil Kumar Pandey, Resident of village- Madhopatti,
P.o.- Madhopatti, P.S.- Kamtaul, Madhopatti, Raghauli, Keoti Ranway,
District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Darbhanga, District- Darbhanga.
3. The Superintendent of Police, Darbhanga, District- Darbhanga.
4. The Officer in Charge, Simari P.S. in the District of Darbhanga.
5. The Investigating Officer, of Simari P.S. Case No. 122/2019 dated 22.07.2019, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anju Jha, Advocate
For the Respondent/s : Mr.Kumar Manish, SC-5.

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 : 12-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“That this application is being filed for issuance of as writ in the nature of mandamus commanding the Respondents to release the vehicle DATSUN Redi GO of the petitioner bearing registration No. BR06BM 7480, Engine No. B4AA400E179799 and Chesis No. MDHFBACD0HA813049 in favour of the petitioner which has been seized in connection with Simari P.S. Case No. 122



of 2019 dated 22.07.209 (G.O. No. 740/2019) registered for offence under section 30(a) of Bihar Prohibition and Excise Act, 2018 as the petitioner is the valid owner of the said vehicle.”

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

