

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2419 of 2021

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DUKHA MAHTO Son of Vilash Mahto Resident of Village- Rohua, Ward
No. 1, Kohbarwa, Police Station- Sonbarsa, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar
2. The Collector, Sitamarhi
3. The Excise Superintendent Sitamarhi
4. The Motor Vehicle Inspector, Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms.Madhubala Verma, Adv
For the Respondent/s : Mr. Vikash Kumar SC-11

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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:-

“That by this writ application, the petitioner crave indulgence of this Hon’ble Court for a direction to release the motorcycle of the petitioner bearing Registration No. BR30U 4116 and Chasis No. ME4JC65ACJT038016 seized in connection with Sitamarhi Excise Case No. C2 337/2020 registered under section 30(A) of Excise Act, 2016.”

It is submitted by learned counsel for the State that final order has been passed by the Confiscating Authority, as such present application for interim release of the seized vehicle during pendency of confiscation proceeding has become



infructuous.

The writ petition is disposed of with liberty to petitioner to file appeal against the order passed by the Confiscating Authority and if any such appeal is filed within 4 weeks, the Appellate Authority shall condone the delay in filing appeal and shall decide the appeal on its own merit within 8 weeks from the date of filing of such appeal.

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)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.04.2021
Transmission Date	NA

