

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1723 of 2021

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Rohit Kumar S/o Binda Tanti, R/o Vill-Teacher's Colony, Ramchandrapur,
PS-Laheri, Distt.-Nalanda,

... .. Petitioner/s

Versus

1. State of Bihar through Secretary Department of Excise, Bihar, Patna.
2. Secretary, Department of Excise, Bihar, Patna.
3. The District Magistrate Cum Collector, Nalanda, at Biharsharif.
4. The Superintendent Excise, Nalanda at Biharsharif.
5. The Assistant Sub Inspector, Prahar Bal, Prohibition of Excise Department,
Nalanda at Biharsharif.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, 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 : 25-03-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“That the present writ petition is being filed for
releasae of Glamour Hero Honda Motorcycle, bearing



registration no. BR 21U 9529 Chasis No. MBLJAW101KG221686, and Engine No. JA06ERKGC11503 to which petitioner is registered owner of the said seized motorcycle which has been seized by respondent no. 5 in connection with 83 C Exc-20 for the offence u/s 30(a) of Bihar Excise Act, to the satisfaction of the learned court of Special Judge, Excise, Nalanda at Biharsharif or District Magistrate, Nalanda at Biharsharif, is directed in the following facts and circumstances of the case.”

It is submitted by learned counsel for the State that final order of confiscation has already been passed by the Confiscating Authority, as such present writ petition for interim release of vehicle during confiscation proceeding has become infructuous.

Petitioner has 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 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	30.03.2021
Transmission Date	NA

