

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15781 of 2021

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Ajay Singh Son of Dhupnarayan Singh R/o Village- Sevti, P.O.- Patharghat,
Baurihi, P.S.- Dhanarua, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and Excise Department, Bihar, Patna.
2. The Excise Commissioner, Bihar Prohibition and Excise Department, Bihar, Patna.
3. The District Magistrate, Patna.
4. The Senior Superintendent of Police, District of Patna, Bihar.
5. The S.H.O. Punpun Police Station, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar, Advocate
For the Respondent/s	:	Mr. Kumar Manish (Sc5)
		Mr. Prashant Kumar, AC to 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)

**(The proceedings of the Court are being conducted through
Video Conferencing and the Advocates joined the proceedings
through Video Conferencing from their residence.)**

Date : 21-09-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“ (i) To issue an appropriate order/s, direction/s
including a writ preferably in nature of mandamus
commanding the respondents to release the vehicle / Ape
City + CNG Piaggio vehicle bearing Reg. No. BR01PL-

7419, Chassis No.MBX0007CFYL062505 and Engine No. AMBCSGY3002070 in favour of the petitioner who is owner of the said vehicle seized in Punpun P.S. Case No.116/21 for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018 lying in the premises of police station and subject to natural decay by furnishing sufficient security to the satisfaction of learned District Magistrate, Patna.

(ii) For issuance of appropriate writ, order / direction commanding the respondents to release the vehicle of the petitioner during the pendency of the confiscation proceeding a reasonable surety till the disposal of the said confiscation proceeding.

(iii) Any other relief/ s to which the petitioner is entitled in 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 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 property/

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)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.09.2021
Transmission Date	NA