

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10210 of 2020

=====

Avinash Kumar son of Suresh Prasad Gupta resident of Mohalla- Shastri Nagar, Gulabbagh, Police Station- Sadar, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Patna.
2. The District Magistrate, Purnea.
3. The Superintendent of Excise, Government of Bihar, Purnea.
4. The Inspector of Excise and Prohibition cum Incharge Officer, Purnea.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate
For the Respondent/s : Mr. Vivek Prasad, GP 7

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 18-02-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

“For quashing the impugned order dated 08.09.2020, passed by the District Magistrate/Collector, Purnea passed in Excise Case No.237/2020 arising out of Case No.CI-136/2020 wherein and whereby the District Magistrate, Purnea has confiscated the seized Maruti Suzuki Celerio vehicle bearing Registration No. BR11Z-5100 of the petitioner in which the vehicle of the petitioner was seized in connection with Excise Case No.237/2020, dated 07.06.2020, under Section 30(a) of the Bihar Prohibition & Excise Act, 2016 and further direction upon the



respondents to release the seized vehicle of the petitioner.”

Petitioner has filed this writ petition against the order dated 8.9.2020 passed by District Collector, Purnea passed in Excise case No. 237/2020 by which the learned Collector has ordered for confiscation of the vehicle.

Petitioner has approached this Court without availing statutory remedy of appeal against the order as impugned in this writ petition, as such, 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, as the matter remained pending before this Court and shall decide the appeal on merit. During pendency of appeal, the vehicle shall not be auctioned sold, if not already auctioned sold.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.03.2021
Transmission Date	NA

