

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1948 of 2021

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Sakindra Kumar @ Sakindra Das @ Sakindar Kumar @ Sakindar Das S/o
Basudev Ravidas, Resident of Village-Shekhwara, P.S. Magadh University,
District Gaya (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary Excise Department
Government of Bihar, Patna.
2. The District Magistrate cum Collector, Aurangabad.
3. The Senior Superintendent of Police, Aurangabad.
4. The S.H.O. Khudnwa (Khudwan) Police Station, District-Aurangabad.
5. The Investigating Officer, Khudnwa (Khudwan) Police Station P.S. Case No.
24 of 2019, P.S. Khudnwa (Khudwan), District-Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shyamal Krishna Sinha, 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 : 25-03-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“That the instant writ application is being filed for set
aside the order of the District Magistrate, Aurangabad passed
on 10.01.2020 in Excise Case No. 689/2019 and further be
pleased to the directing the concerned authority (district
magistrate) to release the vehicle i.e (Bolero) bearing
Registration No. BR. No. -02 Ad-6473 in favor of the
petitioner (owned by petitioner) which has been seized in
connection with Khudnwa (Khudwan) Police Station Case No.
24 of 2019 registered for the offences under Section 30(a)
38(ii) Bihar Alcohol Prohibition Amendment Act 2018 and for
the other necessary relief/reliefs to which the petitioner may be
entitled in the facts 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 vehicle shall not be 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

