

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1493 of 2021

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Arunjay Kumar @ Arunjay Paswan, Son of Late Nagdev Paswan, Resident of
Village - Bhagat Tendua, P.S. - Hariharganj, District - Palamu
(JHARKHAND). Petitioner/s

Versus

1. The State of Bihar through the Secretary Department of Excise Government of Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Superintendent of Police, Aurangabad.
4. The Office In-Charge, Amba Police Station, District - Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Leelawati Kumari, Advocate
For the Respondent/s : Mr. A.C. to A.G.

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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 the parties.

Petitioner has prayed for following relief(s):-

“For issuance of appropriate writ/writs, order/orders, direction/directions directing the respondent authorities to release the seized Hero Passion Pro motorcycle of the petitioner bearing Registration No. JH03N5256 having Chassis No. MBLHA10BSGHC47888 and Engine No. HA10EVGHC49393 in favour of the petitioner which has been seized by the Officer-in-charge, Amba Police Station, Aurangabad in connection with Amba P.S. Case No. 73/2020 dated 03.09.2020 instituted for offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 and further prayed for any other relief(s) for which the petitioner may be found entitled to in



the fact and circumstances of the case stated herein after.”

It has been submitted on behalf of counsel for the State that final order of confiscation has already been passed by the District Magistrate-cum-Confiscating Officer, as such, present petition for interim relief of seized vehicle during pendency of the confiscation proceeding has become infructuous.

Writ petition is disposed of with liberty to petitioner to file appeal against the order of confiscating authority before the appellate authority, and, if any such appeal is filed within four weeks, the appellate authority shall condone the delay in filing the appeal and shall decide the appeal on its own merit preferably within eight weeks from the date of filing of appeal.

During pendency of appeal, the confiscated vehicle shall not be auction sold, if not already auction sold.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.03.2021
Transmission Date	NA

