

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16986 of 2021

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Vikash Kumar, Son of Uma Shankar Prasad, Resident of Village- Salha Chowk, P.S.-Deshri, District-Vaishali. At Present Address-Resident of House No. 114, KH No. 72/15 2nd Floor, Budh Vihar PH-2, Shayam Colony, P.S.- Budh Vihar, North West Delhi.

... .. Petitioner/s

Versus

1. The State of Bihar through, the Principal Secretary Excise Department, Government of Bihar, Patna.
2. The District Magistrate, Kaimur at Bhabua.
3. The Senior Superintendent of Police, Kaimur at Bhabua.
4. The Superintendent of Excise, Kaimur at Bhabua.
5. Officer In Charge of Police Station, Mohania, Kaimur at Bhabua.
6. Investigating Officer of Mohania P.S. Case No. 215 of 2021, District-Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Rajpati, Advocate
For the Respondent/s : Mr. Kumar Manish (S.C. 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 : 03-12-2021

Heard the learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“That the instant writ application is being filed for issuance of appropriate writ/writs, order/orders, direction/directions to the respondent authority concerned to release the vehicle Tata Tiago XZ+1.2P bearing Regd. No. DL11CC-4460 in favour of petitioner which was seized by the police in Mohania

P.S. Case No. 115/2021, District Kaimur at Bhabua registered u/s 30(a)/37(i)(ii) of Bihar Prohibition and Excise Act, 2016 and any other appropriate writ order direction save and except in accordance with law.”

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 8 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)

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CAV DATE	
Uploading Date	
Transmission Date	