

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17679 of 2021

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Sanoj Kumar S/o - Ramvilash Yadav R/o Village - Rampur English, P.O. - Rampur, P.S. - Surajgarha, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Department Govt. of Bihar, Patna.
2. The District Magistrate, Lakhisarai.
3. The Superintendent of Police, Lakhisarai.
4. The Superintendent of Excise, Lakhisarai.
5. The Sub Inspector Excise, Lakhisarai P.S. and District- Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajnish Chandra, Adv
For the Respondent/s : Mr.Vikash Kumar (SC11)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 10-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“(A) A mandamus commanding the respondents for releasing the Hero Glamour Motorcycle of the petitioner bearing Registration No. BR53D9374 which was seized in Excise Suragharsh P.S. Case No. 59C2 of 2020 dated 7.6.2020 under sections 30(a), 32, 41, 56(a) and 56(b) of the Bihar Liquor Prohibition and Amendment Excise Act, 2018 by the police.”

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, if not already 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	
Transmission Date	NA