

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17588 of 2021

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Mohan Ray Son of Horil Ray, Resident of Village-Banbira, P.S.-Tajpur (O.P. Halai), District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secreary, Excise Department, Bihar, Patna.
3. The District Magistrarte-Cum-Collector, Samastipur.
4. The Excise Superintendent, Samastipur.
5. The Presiding Officer (Excise)-Cum-Deputy Commissioner of Land Reforms, Dalsingh Sarai District-Samastipur.
6. The Police Sub Inspector P.S. Angarghat, District-Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Hussamuddin Azad, Advocate
For the Respondent/s : Mr.Lalit Kishore (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 : 10-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

“(i) For issuance of a direction commanding the respondents to release the motorcycle (GCL Splendor Plus) of the petitioner bearing Registration No. BR09W 5742, Engine No. HA10AGHHB65408, Chassis No. MBLHAR086HHB82491 in favour of the petitioner, which was seized by the police Sub-Inspector P.S. Angarghat in Angarghat P.S. Case No. 67/2020 dated 19.08.2020.

(ii) And for any other relief or reliefs to which the petitioner may be found entitled in course of hearing of this petition.”

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)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	