

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3186 of 2021

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Asha Devi Wife of Jitendra Bahadur Resident of H2/1, Street No. 1, Adarsh
Nagar, P.S. - Dhurwa, District Ranchi (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Nalanda.
3. The Additional Collector-cum-Additional District Magistrate, Nalanda.
4. The Superintendent of Police, Nalanda.
5. The Station House Officer, Silao Police Station, District- Nalanda.

... .. Respondent/s

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, 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 : 03-05-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“(i) For issuance of writ in the nature of certiorari for quashing of the order dated 16.12.2020 in Confiscation (Excise) Case No. 130 of 2020 by the Additional Collector cum Additional District Magistrate, Nalanda whereby and whereunder the authority concerned has confiscated Tata Sumo bearing



Registration No. JH01DK-0615 seized in pursuance of registration of Silao PS Case No. 170 of 2020 which was registered under section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2018 without affording any reasonable opportunity and before decision of preliminary issued with regard to the element of transportation with the intent of commerce and trade and without having decision that informant who has seized the liquor is not authorize under Section 73 of the Bihar Prohibition & Excise Act.

(ii) For further direction to the respondent authorities to release the vehicle in question in favour of the petitioner during pendency of the present writ application since the petitioner is a bonafide owner of the said vehicle and vehicle in question admittedly not used in transportation of the liquor.

(iii) For further direction to the respondent authorities not to put the vehicle on auction during pendency of the present 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 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)

ranjan/-

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

