

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1162 of 2021

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Md Mehtab Alam @ Mohd Mehtab Alam, S/o Md. Ayub Miyan @ Mohd Agyub Ansari, Resident of Vill-Mangaso (Panchayat Jarisinga Block Dhanwar), P.S.-Dhanwar (Argali), District-Giridih (Jharkhand).

... .. Petitioner/s

Versus

1. The Principal Secretary, Excise and Prohibition Department, Bihar, Patna.
2. The District Magistrate-cum-Collector, Nalanda.
3. The Superintendent of Police, Nalanda.
4. The Superintendent of Excise, Nalanda.
5. The Deputy Superintendent of Police, (Biharsariff) Bhagan Bigha.
6. The S.H.O./Officer In Rahue, P.S.-Rahue (Biharsariff) Bhagan Bigha.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Mohan Singh, 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 a direction to the respondent authorities to release the vehicle (Pick Up Van) bearing registration no. JH-11AC-6214 (Chassis No. MAT464602KSE06257) in favour of the petitioner who is owner of the Pick-Up Van, which has been seized in Rahue (Biharshariff) Bhagan Bigha P.S. Case No. 29/2020 dated 09.02.2020 lodged under Section 30(a) of the Bihar Excise and Prohibition Act 2016 and for any other relief/s for which petitioner is



legally entitled too.”

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

