

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20419 of 2021

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Avdhesh Kumar Son of Mohan Chauthan Resident of Village - Hindu Chakiya, Ward No. - 11, P.S. - Chakiya District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Tirhut Commissionery Muzaffarpur.
3. The District Magistrate cum Collector, East Champaran at Motihari.
4. The Superintendent of Police, East Champaran at Motihari.
5. The S.H.O., Chakiya Police Station, District- East Champaran at Motihari.
6. The Investigating Officer Chakiya P.S. Case no. 179/2021, District- East Champaran at Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Respondent/s : Mr. Kumar Manish, SC-5

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

Date : 23-12-2021

Heard learned counsel for the parties.

The petitioner has prayed for the following relief/s :-

“(I) For issuance of writ in the nature of Mandamus or any other appropriate writ (s), order(s), Direction(s) to the respondents to release the E-rickshaw bearing Registration No. BR05ER1327 Engine No.00096, Chasis no. MDSA EVHE4BB422096, Which has been seized in correction with Chakiya P.S. Case no 179/2021 dated 12.7.2021 for the offences under section 30(a) of the



Bihar Prohibition and Excise (Amendment) Act. 2018.
(II) For issuance of any other appropriate writ
(s),order(s),direction(s) for which the petitioner is
entitled to in the facts and circumstances of the 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 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)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	24.12.2021
Transmission Date	

