

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4027 of 2018

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Pintu Lal @ Pintu Kumar Srivastva Son of Suresh Lal, Resident of Village-
Neknama Tola, P.S.- Badhara, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Excise, Prohibition & Registration Department, Government of Bihar, Patna
2. The Collector-cum- District Magistrate, Bhojpur.
3. The Superintendent of Excise, Bhojpur.
4. The Superintendent of Police, Bhojpur.
5. The Officer In charge, Badhara Police Station, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prabhakar Singh, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-01-2021

Petitioner has prayed for the following relief(s):-

“(i) For direction/order to the Respondents No. 2 & 5 to release the vehicle (Motorcycle) bearing registration number BR03M-6597 in favour of the petitioner, which had been confiscated in connection with Badhara P.S.Case No. 01 of 2017 dated 1/1/2017 registered under section 37(ii) of the Bihar Excise & Prohibition Act, 2016;

(ii) Any other relief(s) as the petitioner may be found entitled by this Hon’ble Court under facts and circumstances of the case mentioned herein below.”

It is not in dispute that pursuant to our order dated 7th

March, 2018 the vehicle bearing registration No. BR03M-6597

stands released in favour of the petitioner. Also it is brought to our



notice that confiscatory proceeding under the provisions of Section 56 of the Bihar Excise & Prohibition Act, 2016 stands concluded. Statutory remedy of preferring an appeal can be availed of by the petitioner.

As such, in view of such intervening developments, we dispose of the present petition on the following mutually agreeable terms :-

(a) Petitioner shall prefer an appeal within a period of six weeks from today, failing which our order dated 7.3.2018 shall cease to be in effect and the vehicle shall stand confiscated by the authority;

(b) appeal shall be heard and disposed of on merit within a period of two months, i.e., on or before 31st March, 2021;

(c) petitioner undertakes to fully co-operate and not take any unnecessary adjournment;

(d) during the pendency of the appeal the vehicle shall be with the custody of the petitioner;

(e) the issue as to whether the authorities would have proceeded with the passing of the order, confiscating the property, is not required to be gone into.

The petition stands disposed of in the aforesaid terms.



Interlocutory Application(s), if any, also stand disposed
of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

spal/-

AFR/NAFR	
CAV DATE	
Uploading Date	12.1.2021
Transmission Date	

