

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.504 of 2022

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Ravi Kumar Upadhyay S/o Ram Sagar Upadhyay R/o 14/84, Billi Markundi
Ansik, P.S.- Obra, District- Sonbhadra, Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Registration and Excise, Bihar, Patna.
2. The Commissioner, Department of Registration and Excise, Govt. of Bihar, Patna.
3. The District Magistrate, District- Kaimur at Bhabhua
4. The Superintendent of Police, District- Kaimur at Bhabhua
5. The SHO, of Chand Police Station, District- Kaimur at Bhabhua

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri, Advocate
For the Respondent/s : Mr.Lalit Kishore (AG)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

2 08-03-2022 Petitioner has prayed for the following relief(s):

“That this is the writ petition being filed before this Hon’ble High Court on behalf of the aforesaid petitioner for issuance of a writ in the nature of ‘Mandamus’ commanding and directing the state respondents to release the vehicle branded as Maruti Ertiga ZDI, bearing Registration No. JH01DU6157, Chassis No. MA3BNC52SLA213852, Engine No. E15AN1038311 in favour of the petitioner who is the real/rightful owner of the aforesaid vehicle which was seized in connection with Chand P.S. Case No. 231/2021 registered for the offences



punishable under Section 30(a)/37(1)(2) of the Bihar Prohibition and Excise Amendment Act, 2018 and the aforesaid vehicle is still lying in the open campus of Chand Police Station without initiation of confiscation proceedings by the Collector of District Kaimur at Bhabhua.”

It is submitted on behalf of the counsel for the petitioner that during the pendency of this writ petition, the final order has been passed by the learned Collector for confiscating the vehicle. As such, present petition filed for provisional release of the vehicle has become infructuous.

Writ petition is disposed of with liberty to the petitioner to avail the remedy of appeal and, if any such appeal is filed within four weeks, the delay, if any, shall be condoned by the appellate authority and the authority shall decide the matter within eight weeks from the date of filing of such appeal.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-DKS

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