

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13074 of 2022

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Puran Joshi (S.T. Cargo Movers) S/o Darshan Lal Joshi, Resident of Flat No. 14041, ATS Pristine Sector 150 Noida, Greater Noida, P.S. and Dist. - Gautam Budh Nagar, Uttar Pradesh, At presently resident at S.T. cargo movers, 2nd Floor, D3/3 Phase 01, Vill. - Okhla, Industrial area, Dist.- New Delhi, Pin - 110020.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate cum-confiscation Authority Muzaffarpur.
3. The Superintendent of Police, Muzaffarpur.
4. The Superintendent of Excise Department Muzaffarpur.
5. The S.H.O. Sahebganj Police Station Muzaffarpur with Muzaffarpur.

... .. Respondent/s

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

Appearance :

For the Petitioner/s : Mr.Upendra Kumar, Adv
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 MR. JUSTICE S. KUMAR)

Date : 09-09-2022

Heard learned counsel for the parties.

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

- i. To issue writ/writs order/orders direction/directions including a writ in the nature of certiorari for quashing the order dated 24.01.2022 passed in excise conjunction case no-640/21 under which he refused to release seized container bearing Registration No- HR55AA-5719 chassis No- MB17RKFDXGPVV8358 belongs to the petitioner.
- ii. To issue a writ/writs order/orders direction/directions including a writ in the nature of Mandamus directing the Respondents to release the seized vehicle.

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/property shall not be auction sold.

Petitioner is also at liberty to get his/her vehicle released

on payment of penalty in terms of Rule 12(A) inserted by amending Bihar Prohibition and Excise Rules, 2021.

With said observation and direction, this writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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