

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13180 of 2022

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Niranjan Kumar Son of Mukul Ray, Resident of Village- Kanhauli
Bishnudatta Yadav Tole, P.S. - Mithanpura, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Bihar Prohibition of Excise Department, Bihar, Patna.
2. The State of Bihar through the Distt. Magistrate, Muzaffarpur.
3. The Addl. Distt. Magistrate, Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur.
5. The Excise Superintendent, Excise Department, Muzaffarpur.
6. The Sub-Inspector, Mithanpura, Muzaffarpur.
7. The Officer-in-Charge, Mithanpura, Distt.- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Devendra Kumar, Advocate
For the Respondent/s : Mr.Kumar Manish (S.C. 5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 09-09-2022

Heard learned counsel for the parties.

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

- i. For issuance of writ in nature of appropriate writ/writs for directing and commanding the respondents authority for releasing the seized TVS Apachi RTR 160 Black Blue Motorcycle registration No. BR-06,CQ-9576, which was illegally confiscated in connection Mithanpura P.S case No.259/2021 Whereby and

whereunder the petitioner has no concern with the accused / Foreign Wine
Illegally recovered 21.750 Litre old habbit Whisky.

iii. And any other relief/reliefs as your Lordships may deem fit and proper.

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)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	