

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20385 of 2021

=====

Suraj Kumar S/o Anil Prasad, resident of Mohalla-Rupganj Chapra, P.S.-
Chapra Town, District-Saran at Chapra. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Saran at Chapra.
4. The Superintendent of Police, Saran at Chapra.
5. The Superintendent of Excise, Saran at Chapra.
6. The Officer-in Charge of Chapra Town Police Station, Saran at Chapra.

... .. Respondent/s

=====

Appearance :

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

=====

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 : 10-02-2022

Heard learned counsel for the parties.

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

“1. That this is an application for issuance
of writ in nature of the mandamus or any other
appropriate writ or writs directing the respondents to
release the Motorcycle bearing it's registration No.
BR04 AC/0745, Chassis No.
MBLHAW037JHM10374, Engine No.
HA11ENJHM19747 belongs to the petitioner, has
been seized in Chapra Town P.S. Case No. 182/2021
in a case of Bihar Prohibition & Excise Act 2016 for
without recovery of a single drop of illicit wine
from the possession of the petitioner as well as from
the seized Motorcycle on spot.

AND/OR

For passing such other order/orders for which the petitioner will be found entitled in the eye of law.”

It is submitted on behalf of learned counsel for the State that a confiscation proceeding was initiated against the vehicle of petitioner in Confiscation Case No. 408 of 2021, in which, in spite of notice issued to the petitioner, he did not appear and thereafter paper publication was made, but still he did not appear, as such, an ex parte order dated 11.06.2021 has been passed by the Confiscating Authority, as such, the writ petition is disposed of with liberty to petitioner to avail statutory remedy against the order dated 11.06.2021 passed by the Confiscating Authority, as provided under the Act.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	