

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21257 of 2021

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Hardeo Prasad Yadav Son of Brajraj Yadav, Resident of Shastri Nagar, Post Office and Police Station- Bagaha, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Registration, Prohibition and Excise, Government of Bihar, Patna.
2. The Director General of Police Government of Bihar, Patna.
3. The Collector/District Magistrate District- West Champaran.
4. The Superintendent of Police Bettia, District- West Champaran.
5. The Excise Superintendent District- West Champaran, Bettia.
6. The Officer-in-charge, Chanpatia Police Station District- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Zainul Abedin, Advocate
For the Respondent/s : Mr.Vivek Prasad (Gp7)

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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 : 01-04-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

- (i) For releasing the Motor-cycle bearing Registration No. BR22AE, Chasis No. ME4JC737BJT007333, Engine No. JC73ET2013808 which has been seized in Chanpatia (Serisia) Police Station Case No. 404/20 dated 13.8.2020 registered under sections 414 of the Indian Penal Code and sections 30(A)/30(B) of the Bihar Prohibition and Excise Act, 2018;

- (ii) For quashing the impugned order dated 09.09.2021 passed in Case No. CRM 400/21-22 by Additional District Magistrate, West Champaran, Bettia so far it relates to the petitioner ordering for general auction of the Motor-cycle of the petitioner along with other Motor-cycles;
- (iii) For passing such other order or orders as this Hon'ble Court may deem fit and proper for the ends of justice.

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 property/ vehicle shall not be auction sold, if not already auction sold.

In view of amendment in the Excise Act, and same being applicable in pending cases, it shall be open for the petitioner to get his/her vehicle released after making payment of penalty in terms of Rule 12(A) inserted by amending Bihar Prohibition and Excise Rules, 2021.

With aforesaid observation and direction, the writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.04.2022
Transmission Date	NA