

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.231 of 2018

Arising Out of PS. Case No.-136 Year-2016 Thana- NALANDA District- Nalanda

Parmanand Ray S/o Babulal Ray, Resident of Village- Brhauna, P.S.- Chandi,
District- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, Excise Department, Govt. Of Bihar, Patna and Ors
2. The District Magistrate, Nalanda.
3. The Superintendent of Police, Nalanda.
4. The District Transport Officer, Nalanda.
5. The Officer in Charge Nalanda Police Station P.S.- Nalanda District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr.Rewati Kant Raman, AC to SC-11

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 25-07-2022 This writ application has been filed seeking setting aside of the impugned order dated 24.04.2017 passed by the District Magistrate, Nalanda in Confiscation (Excise) Case No.24 of 2017 arising out of Nalanda P.S. Case No.136 of 2016 whereby and whereunder the District Magistrate, Nalanda has been pleased to pass order for confiscation of the vehicle in question.

No one appears for the petitioner. Mr. Rewati Kant Raman, learned AC to SC-11 is present.

A perusal of the order passed by this Court would show that vide order dated 29.03.2018, this Court had



provisionally released the vehicle in question.

Learned counsel for the State submits that the Hon'ble Full Bench has in the case of *Baleshwar Roy and Anr. vs. The State of Bihar reported in 2018 (4) PLJR 970* held that the executive authority would be competent to consider the case of confiscation and in this case the confiscation order has already been passed. It is pointed out that there is an alternative remedy of appeal against the impugned order.

Keeping in view the aforesaid submissions and finding that the petitioner has an alternative remedy of appeal available, this Court is disposing of this writ application with liberty to the petitioner to avail his remedy of appeal with an application for condonation of delay. In case the petition for condonation of delay is filed, the same will be considered by the appellate authority keeping in view that the petitioner was pursuing his remedy before this Court under some bonafide belief and the writ application remained pending so far.

With such observations, this writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

