

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.91 of 2020**

Arising Out of PS. Case No.-197 Year-2019 Thana- CHANDAN District- Banka

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TUNTUN PANDIT S/O Late Doman Pandit Resident of Village - Kharwa,  
Police Station - Jasidih, District - Deoghar. (Jharkhand)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY, REG.,  
EXCISE AND PROHIBITION DEPTT., GOVT. OF BIHAR Patna
2. Principal Secretary, Registration, Excise and Prohibition Deptt., Govt. of  
Bihar, Patna. Bihar
3. The Collector -cum District Magistrate, Banka. Bihar
4. The Superintendent of Police, Banka. Bihar
5. The Officer-In-Charge, Chandan, P.S., District Banka. Bihar

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Ajay Mukherjee  
For the Respondent/s : Mr.Kumar Manish

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

- 5      26-07-2023      1. Heard learned Counsel for the parties concerned.
2. The petitioner has filed the present writ application for  
release of Passion Pro motorcycle, bearing Registration  
No. JH 15N-3639, which was seized in connection with  
Chandan Police Station Case No. 197 of 2019, registered  
for the offences punishable under Section 30(a) (g)/32(2)  
of the Bihar Prohibition and Excise Act, 2016.
3. Learned Counsel for the State submits that final order in  
confiscation proceeding, being Confiscation (Prohibition)  
Case No. 620 of 2019-20, has been passed by the District



Magistrate, Banka and as such, the present writ application is not maintainable. He further submits that the petitioner has the liberty to file an appeal before the Commissioner, Bhagalpur Division, Bhagalpur.

4. Regards being had to the submission made by learned Counsel for the State and the fact that final order has already been passed in Confiscation (Prohibition) Case No. 620 of 2019-20, this writ application is dismissed.
5. However, the petitioner would be at liberty to file an appeal against the final order passed in Confiscation (Prohibition) Case No. 620 of 2019-20 before the appellate authority.

**(Anil Kumar Sinha, J.)**

Prabhakar Anand/-

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