

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13336 of 2023

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Shashank Bhushan Son of Late Shashibhushan Singh, Resident of Village-
Bhikhanpura Ramdayalu Nagar, NH-77, Hajipur Road, Near Kishore Petrol
Pump, Police Station- Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna, Bihar.
2. The Principal Secretary, Excise Department, Govt. of Bihar, Patna, Bihar.
3. The District Magistrate, Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur.
5. The Sub-Divisional Police Officer, Muzaffarpur.
6. The S.H.O., Paroo, Muzaffarpur.
7. The S.H.O., Mithanpura, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sachin Kumar
For the Respondent/s : Mr.Kumar Manish (Sc5)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 27-09-2023

In the instant writ petition, the petitioner has prayed

for the following reliefs:

*“i) For issuance of writ in the nature
of mandamus or any other appropriate writ
for commanding the respondents to release,
the vehicle/motorcycle bearing Registration
No. BR-06AU- 4866, Chassis No.
MBLJA06AMFGK07708, Engine No.
JA06EJFGK09234, which was seized in
connection with Paroo P.S. Case No. 624 of
2022 registered on 19.12.2022 U/s 414 of*



Indian Penal Code and 37/30(a)/31/41(A) of Bihar Prohibition and Excise Act, 2016, herein after referred as the Act of 2016, in favor of the petitioner.

ii) For issuance of writ in nature of mandamus or any other appropriate writ for restraining the respondent authority from taking any coercive action pursuant to confiscation case arising out of Paroo P.S. Case No. 624 of 2022 dated 19.12.2022.

iii) For issuance of any other appropriate writ/writs, order/orders, direction/directions which your Lordships may deem fit in the facts and circumstances of this case.”

2. On 22.09.2023, the following order was passed:

“Learned counsel for the state is hereby directed to secure instruction as to whether confiscation proceedings have been initiated pursuant to Paroo P.S. Case No.624 of 2022 registered on 19.12.2022 under Section 414 of Indian Penal Code read with provisions of the Bihar Prohibition and Excise Act, 2016 or not?

2. Relist this matter on 26.09.2023.”

3. Today, learned counsel for the State furnished copy of the notice dated 14.07.2023 seeking the petitioner's version within a period of 15 days and it has already lapsed. For service of notice dated 14.07.2023 on the petitioner, no material has been placed on the record to the effect that subject matter of notice dated 14.07.2023 has been communicated to the



petitioner. Since now it has been communicated to the petitioner’s counsel, therefore, we extend the time limit for the submission of the petitioner’s say on the notice dated 14.07.2023 for further period of 15 days from today. Thereafter, the concerned authority is hereby directed to take a decision and communicate the same to the petitioner at the earliest, within 15 days from the date of the petitioner’s explanation/version.

4. With the aforesaid observations, this writ petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.10.2023
Transmission Date	NA

