

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.383 of 2024

In
Civil Writ Jurisdiction Case No.12669 of 2021

=====

Bishnu Kumar, S/o Shri Ram Nath Sharma, Resident of Village Sheikhpura,
PO Khajuri, PS Naubatpur, District, Patna, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Excise Department, Government of Bihar, Old Secretariat, Patna, Bihar
2. Shri Vinod Singh Gunjyal, the Excise Commissioner, Patna, Bihar.
3. Shri Sawan Kumar, the Collector-Cum-District-Magistrate, Kaimur (Bhabhua).
4. Shri Lalit Mohan Sharma, the Superintendent of Police, Kaimur (Bhabhua).
5. Lalan Kumar, Incharge, Mohania Police Station, Kaimur (Bhabhua).

... .. Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Apurv Harsh, Advocate
For the Opposite Party/s : Mr. Vikash Kumar, SC-11

=====

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

Date : 14-05-2024

The present M.J.C./Contempt petition is filed
for non-compliance of the order dated 27.07.2021 passed in
C.W.J.C. No. 12669 of 2021.

2. Limited observation is that “During pendency
of the appeal, confiscated vehicle shall not be auction sold,
if not already auction sold”. On 12.08.2021, auction notice



was issued and it was published in the Newspaper on 17.08.2021. On 17.08.2021, itself, appeal was decided and auction proceeding was completed on 27.08.2021. Respondents were hurriedly proceeded to auction the subject matter of vehicle without having a breathing time of disposal of appeal. No doubt, appeal was decided on 17.08.2021 and the paper publication for auction was also on 17.08.2021, however, the concerned respondents have committed contempt for the reasons that as on 12.08.2021, the date of issuance of auction notice, appeal was yet to be decided and it was decided only on 17.08.2021, the date on which paper publication was undertaken for the purpose of public auction.

3. Taking note of the errors committed by the concerned official respondent. The petitioner is entitled to litigation cost and it is quantified at Rs. 10,000/- (Rs. Ten Thousand). Cost shall be paid to the petitioner within a period of 08 weeks from the date of receipt of this order. Insofar as appeal and auction proceedings are concerned, petitioner is at liberty to invoke appropriate remedy before the proper forum.



4. With the above observations and directions,
the present M.J.C./Contempt petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.05.2024
Transmission Date	NA

