

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7129 of 2024

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Ramesh Sah Son of Prahlad Sah Resident of Village- Singha, P.S.- Mirganj,
District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise, Prohibition and Registration Department, Government of Bihar, Patna.
2. The Deputy Secretary, Excise, Prohibition and Registration Department, Government of Bihar, Patna.
3. The Collector, Gopalganj, District- Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Sub Inspector, Mirganj, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Priya Raj, Advocate
For the Respondent/s : Mr. Government Pleader (2)

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

Date : 07-05-2024

In the instant petition, petitioner has prayed for the
following relief(s):-

a. "For issuance of writ(s) order(s), direction(s) upon the respondents to release the vehicle bearing Registration No BR28Y2559 Honda Shine Motorcycle having Chesis No. ME4JC832BMG129942, Engine No. JC83EG0336648 which has been seized in connection with Mirganj P.S. Case No. 404 of 2023 dated 27.10.2023 under section 414 I.P.C. and 30(a) Bihar liquor prohibition and Excise Amendment Act 2018 in favour of the petitioner as he is the real and registered owner of the seized vehicle."

2. Before presenting this petition confiscation



proceedings have attained finality on 27.12.2027, taking note of the confiscation proceedings, the petitioner has a remedy of filing appeal before the Appellate Authority under Section 92 of the Bihar Prohibition and Excise Act, 2016. the petitioner is permitted to prefer appeal before the Appellate Authority. The Appellate Authority is hereby directed to consider the appeal within a period of three months, in the meanwhile, he shall not insist for condonation of delay in filing of appeal. In the light of the Hon’ble Supreme Court decision in the case of *North Eastern Chemicals Industries (P) Ltd. And Another vs. Ashok Paper Mill (Assam) Ltd. and Another reported in 2023 SCC Online SC 1649*. In the meanwhile, the concerned officials are hereby directed to not to proceed with the auction till disposal of petitioner’s appeal.

3. With the above observation, the present writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

amitkumar/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14.05.2024
Transmission Date	N/A

