

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11907 of 2024

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Md. Nausad @ Md. Nosad, Son of Md. Abbas Resident of Village- Sothgaon,
P.S.-Harlakhi, District-Madhubani.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Development of Registration and Excise, Bihar, Patna.
2. The District Magistrate, Banka.
3. The Superintendent of Police, Banka.
4. The Sub Divisional Officer, Banka
5. That Station House Officer, Suiya Police Station, District-Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Anwar Karim, AC to GP-10

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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 : 22-08-2024

None appears for the petitioner.

2. In the instant petition, petitioner has prayed for
the following reliefs:-

*“(i) For quashing the order dated
17.11.2023 passed in Confiscation (Excise
Prohibition) Case No. 03/2023-24 (State Versus
Md. Nausad) passed by the Sub Divisional Officer,
Banka whereby and whereunder Mahendra Pickup
vehicle of the petitioner bearing Registration No.
BR-01GL-7929, Engine No. TNN1J95779 and*



Chassis no. MA1ZN2TNKN1J85014 seized in connection with Suiya P.S. Case No. 25 of 2023 confiscated and ordered to be auctioned.

(ii) For commanding the respondent authorities to release the Mahendra Pick up vehicle bearing Registration No. BR-01GL-7929, Engine No. TNN1J95779 and Chassis no. MA1ZN2TNKN1J85014 in favour of the petitioner who is the owner of the vehicle in question and said vehicle was seized in pursuance to Suiya P.S. Case No. 25 of 2023 dated 25.02.2023 registered for offences under section 30(a) of the Bihar Prohibition and Excise Act. In this way vehicle in question has been parked in the premises of Suiya Police Station causing decay of vehicle on day to day as the same has been parked in open space without any use and in absence of any state hanger.

(iii) Petitioner further seeks indulgent of this Hon'ble Court for which he is entitled in the eyes of law and in the fact and circumstances of the present case."

2. Petitioner has remedy of filing Appeal against the Confiscation proceedings dated 17.11.2023. If the petitioner files statutory Appeal under Section 92 of the Bihar Prohibition and Excise Act, 2016, the Appellate Authority is hereby directed to decide the same within a period of 03 months from the date of receipt of such Appeal. The concerned authority is hereby



directed to not to dispose of the subject matter of vehicle in auction till Appeal is decided.

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

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.08.2024
Transmission Date	NA

