

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15980 of 2023

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Bikash Kumar @ Vikash Kumar S/o Laxaman Chaudhary R/o Village- Phag,
P.S.- Goh, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary Excise Patna.
2. The District Magistrate, Gaya.
3. The Superintendent of Police, Gaya.
4. Asstt. Commissioner Excise Police, Gaya.
5. The Police Inspector, Takari, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Yadav, Advocate
For the Respondent/s	:	Mr.Vivek Prasad (Gp7)
		Ms.Supragya, Ac to Gp7
		Ms.Roona, Ac to Gp 7
		Mr.Sanjay Kumar, Ac to Gp 7
		Mrs.Manisha Singh, Ac to Gp 7

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

3 05-01-2024 In the instant petition, petitioner has prayed for the
following relief(s):-

“I. To quash the notice was issued by Asstt. Commissioner Gaya whereby and whereunder without initiating any proceeding directed the petitioner to deposit insured Rs. 56,233/- L.C. 100% value of insured vehicle bearing no. BR-56B-6764 in connection with Tekari P.S. Case No. 12/2023.

II. To direct the respondent no.-2 to release vehicle Glamour motor cycle Registration No. BR-



56B-6764 in favour of petitioner which was seized in Takari P.S. Case No. 12/2023 dated 6.1.2023 which was instituted under section 30(a) Bihar Prohibition Excised Act (Amendment) 2018.”

2. During pendency of the present petition, confiscating authority proceeded to pass order. Petitioner has remedy of appeal before the Appellate Authority under Section 92 of the Bihar Prohibition and Excise Act, 2016.

3. Petitioner is hereby directed to file his appeal within a reasonable period of time, if such appeal is filed the Appellate Authority is hereby directed to decide the appeal within a period of three months from the date of receipt of such appeal. Till disposal of appeal the concerned authority is hereby directed not to auction the subject matter of motor vehicle.

4. Accordingly, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

abhishekk/-

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