

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17943 of 2023

=====

Kumari Kajal Daughter of Maghi Prasad, Wife of Mantu Kumar Ram,
Resident of Village- Baikunthpur, Police Station Bariyarpur, District - Deoria,
(Uttar Pradesh).

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
3. The Collector-cum-District Magistrate, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The S.H.O. Mirganj, P.S., District - Gopalganj.

... .. Respondents.

=====

Appearance :

For the Petitioner	:	Mr. Bijay Prakash Singh, Advocate.
For the State	:	Mr. Kinkar Kumar, SC-9.
		Mr. Sushant Praveer, AC to SC-9.

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 08-01-2024

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

- (I) For a direction upon the Respondents,
particularly Respondent No.3 to 5
Release the **Splendor + Motor Cycle**
bearing **Reg. No.UP52BL3422, Chassis**
No.MBLHAW117MHD14748, Engine
No.HA11EVMHD03400 in favour of
the Petitioner which was seized in



connection with **Mirganj P.S. Case No.337 of 2023** dated 05.09.2023 registered U/Ss 30(a) of Bihar Prohibition and Excise Act 2018.

(II). For any other relief or reliefs as the Petitioner may found entitled by this Hon'ble Court be given.

2. During the pendency of the present writ petition, the Confiscating Authority has proceeded to conclude the confiscation proceedings in respect of vehicle bearing Registration No.UP52BL3422 (Splendor + Motor Cycle) in connection with P.S. Case No.337 of 2023 dated 05.09.2023, Mirganj P.S. on 30.11.2023, in Confiscation Proceedings Case No.1803 of 2023.

3. In the light of the later development, the petitioner has remedy of filing appeal before the appellate authority under Section 92 of Bihar Prohibition and Excise Act, 2016. The petitioner is hereby directed to file appeal before the appellate authority within a period of two weeks from the date of receipt of this order. On receipt of such appeal by the appellate authority, the appellate authority is hereby directed to decide the petitioner's appeal within a period of three months from the date of receipt of such appeal. The concerned authorities are hereby



directed not to proceed with the auction of the subject matter of the motor vehicle till appeal is decided.

4. With the above observations, the instant writ petition stands disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.01.2024.
Transmission Date	NA

