

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17333 of 2024

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Rajan Sonkar, S/o Krishna Lal Sonkar, Address- Sarvoday Nagar Colony Govindpur, C.C-I Factory, C.B. Galy, Dist - Bareilly, State - Uttar Pradesh, Pin- 243001 (II) Near Kashi Ram Colony, Pocket (A), Pradesh, Pin - 243502.

... .. Petitioner

Versus

1. The State of Bihar through The Additional Chief Secretary Department of Prohibition of Excise, Registration Govt. of Bihar.
2. The Excise Commissioner, Department of Prohibition of Excise, Registration Govt. of Bihar.
3. The Collector Cum District Magistrate Nawada.
4. The Superintendent of Police, Nawada.
5. The Station House Officer, Excise P.S. Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Yadav, Advocate
For the Respondent/s : Mr. Madhukar Mishra, AC to SC-16

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 22-11-2024

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

“(I) For issuance of writ in nature of Mandamus to release the Vehicle which was seized in connection with Excise Police Station, Nawada F.I.R. No. 570/2023, offences U/s 30(a) 56(2)(ii) of on dated 01/07/2023 and kept under Excise Police Station, Nawada by Respondent Authorities, The description of seized vehicle is as follows Regd. No. UP25FT1894, Engine No. NCEZ41978, Chassis No. MB1A3HCDONA-BN1054, Model-Ashoka LeYland (Six Wheelers).”



2. The confiscation proceedings has attained finality and against such proceedings, petitioner is stated to have filed Appeal and it is pending consideration before the concerned authority. Therefore, the concerned Authority is hereby directed to proceed to complete the appeal proceedings within a period of 02 months from the date of receipt of this order. The Appellate Authority is hereby requested to not to insist for delay in filing appeal, for the reasons that there is no provision for filing of condonation of delay application or a time limit in filing appeal, in other words Appellate Authority is required to decide on merit. Till disposal of appeal, if the subject matter of vehicle is not auctioned as on this day, the concerned authority is hereby directed to not to proceed with the auction proceedings till appeal is decided.

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

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.11.2024
Transmission Date	NA

