

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6186 of 2021

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Laddu Kumar @ Laddu Kumar, Son of -Kashi Ram, Resident of Village-Barhulia (Ward No.2), P.S.-Ziradaie, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Bihar, Patna.
4. The Deputy Inspector General of Police, Bihar, Patna.
5. The Collector Cum District Magistrate, Siwan, Bihar.
6. The Deputy Collector Land Reforms, Siwan, Bihar.
7. The Superintendent of Police, Siwan.
8. The Deputy Superintendent of Police, Siwan,
9. The Station House Officer, (Siwan) Nautan, Police Station, Cum-Investigating Officer, of Nautan P.S. Case No. 174/2019.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Smt. Sudha Ambastha, Advocate
For the Respondent/s : Mr. Kumar Manish, S.C. 5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 31-05-2021

Heard the parties.

Petitioner has prayed for following relief(s):-

“(i) To issue a writ of Mandamus for releasing the vehicle of the petitioner, which was seized by the SHO cum Investigating Officer of Nautan (Siwan) (Respondent No. 8), in Nautan P.S. Case No. 174/2019 (dated 15.10.19) corresponding to G.R. No. 1099/2019 pending before Ld. Addl. Sessions



Judge-II cum Spl. Judge Excise Act, Siwan, under Excise Act whereby and where under the respondent authority has refused to release the vehicle of the petitioner.

(ii) For a direction to the respondent authorities to release the vehicle in question Hero Splendor motorcycle bearing registration No. BR. 29AJ7165, seized by the Bihar Police in connection with Nautan (Siwan) P.S. Case No. 174/2019, registered under Section 30(a)/41(1) of the Bihar Prohibition & Excise (Amendment) Act, which is kept in the premises of Nautan Police Station, Siwan.

(iii) Further for a direction to the respondents authorities to release the said motorcycle in favour of the petitioner, who is bonafide owner admittedly it has never been used in commission of an offence under this Act.

(iv) For any other relief/reliefs which the petitioner may be found entitled to, in the eye of law.”

It is submitted on behalf of counsel for the State that during pendency of this writ petition, final order of confiscation has already been passed by the District Collector-cum-Confiscating Authority, Siwan in Confiscation Case No. 87 of 20-21 dated 14.01.2021, as such, the present writ petition for interim release of vehicle has become infructuous.

The writ petition is disposed of with liberty to petitioner to avail the remedy of appeal against order passed by the District Collector-cum-Confiscating Authority before the



appellate authority, and if any, such appeal is filed within eight weeks, the appellate authority shall condone the delay in filing appeal as the matter remain pending before this Court and shall decide the appeal on its own merit preferably within eight weeks from the date of its filing.

The writ petition is accordingly disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

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

