

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3332 of 2022**

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Md. Islam @ Md. Ishlam Son of Md. Aziz @ Shekh Ajj, Resident of Village-Chandmari, P.S.-Chandmari, P.S.-Chandmari, District-Kohima (Nagaland) at present Resident of Village-Mansurpur Mahna Tara, P.O. and P.S.-Motipur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur.
5. The SHO Sahebganj Police Station, District-Muzaffarpur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Satyendra Narayan Singh, Advocate  
For the Respondent/s : Mr. Kumar Manish (SC-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 : 25-04-2022**

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- (i) For issuance of appropriate / writ / writs / direction / direction / order/ orders for release of the Tata LPT 2515 Model Truck bearing Registration No. NL01D3907 Chasis No. 426031GTZ128632 and ENGINE No. 60G62495487, which has been seized in connection with Sahebganj P.S. Case No. 444 of 2018, District- Muzaffarpur for the offences punishable under section 272 and 273 of the Indian Penal Code, pending in the Court of Learned A.D.J. -2<sup>nd</sup> cum Special Judge (Excise Act) Muzaffarpur, which has been sent to the Learned Collector cum District magistrate, Sitamarhi for its confiscation.



- (ii) For issuance of appropriate / writ / writs / direction / direction / order/ orders for release of vehicle in question in favour of the petitioner on adequate surety on the terms and conditions as laid down by this Hon'ble Court.
- (iii) For any other relief / reliefs to which the petitioner may be found entitled in the facts and circumstances of the case.

It is submitted on behalf of the State that during the pendency of this writ petition, final order of confiscation has been passed by the Confiscating Authority on 30<sup>th</sup> of November, 2021, for which notices were issued to the owner of the vehicle in question.

However, the same is being disputed by the learned counsel for the petitioner. He further states that no notices were issued to the petitioner of the initiation of confiscation proceedings and same has been passed without any notice to him.

The writ petition is disposed of with liberty to the petitioner to avail the statutory remedy under the Excise Act against the order passed by the Confiscating Authority.

Interlocutory Application(s), if any, shall stand



disposed of.

**(Sanjay Karol, CJ)**

**(S. Kumar, J)**

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	28.04.2022
Transmission Date	

