

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6616 of 2017

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Nitesh Kumar Son of Shivnath Mahto, Resident of Village- Badaulia, P.S.-
Vaishali, District- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar through the Collector, Muzaffarpur.
2. The Collector, Muzaffarpur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari
For the Respondent/s : Mr. S.Raza Ahmad-Aag5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

8 17-12-2018 In this case vide order dated 02.08.2017 a
provisional release of the vehicle has already been directed.

Learned counsel for the petitioner submits that the
vehicle has already been provisionally released.

Learned counsel for the petitioner submits that in the
confiscation proceeding final order has already been passed on
16.12.2016 in Case No. 17 (Confiscation) of 2016-17 by the
Collector-cum-District Magistrate, Muzaffarpur. In view of the
judgment passed passed by the Hon'ble Full Bench of this Court
in L. P. A. No. 1647 of 2015 on 01.11.2018, learned counsel for
the petitioner submits that he would not challenge the
competence of the District Magistrate in the matter of initiation
of confiscation proceeding and shall take an opportunity to file



statutory appeal before the appellate authority under the provisions of the Bihar Prohibition & Excise Act, 2016.

In the given facts and circumstances, this Court grant leave to the petitioner to prefer an appeal within a period of 30 days from today along with application for condonation of delay before the appellate authority under the Act. If such an appeal along with application for condonation of delay is filed within the given period, the appellate authority shall consider the same on merits and shall dispose of it within a period of three months from the date of presentation of the appeal keeping in mind that it relates to confiscation of vehicle and early disposal of the appeal would be in the interest of the State. So far as the provisional release of the vehicle is concerned, the said order shall remain in force till disposal of the appeal. The petitioner shall abide by the final order passed by the appellate authority. If petitioner fails to avail the remedy of appeal within the aforesaid period, the order of confiscation shall take effect and the provisional release of vehicle shall stand withdrawn.

(Jyoti Saran, J)

(Rajeev Ranjan Prasad, J)

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