

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10570 of 2018**

**In**  
**Criminal Writ Jurisdiction Case No.311 of 2018**

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Nitu Devi wife of Harendra Sahni, R/o village- Bedaul Konha Tola, P.s-  
Aurai, district- Muzaffarpur ... .. Petitioner

Versus

1. The State Of Bihar through the District Magistrate, Muzaffarpur
2. The S.P. Muzaffarpur
3. The Excise Superintendent, Muzaffarpur
4. The Officer-In-Charge, Muzaffarpur Police Station, district- Muzaffarpur

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Hans Lal Kumar  
For the Respondent/s : Mr. Vikash Kumar -Sc11

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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)**

4      03-12-2018                      Heard the parties.

Taking note of the fact that the confiscation order has already been passed and the same is appealable under the provisions of the Bihar Prohibition & Excise Act, 2016, learned counsel for the petitioner seeks permission to withdraw this application with liberty to file an appeal in accordance with law.

Let this application be disposed of with liberty to the petitioner to file an appeal within a period of 30 days from today and in case such an appeal is filed within prescribed period, the appellate authority shall consider the same keeping in mind that the petitioner was pursuing the matter before this Court and the



appeal shall be heard on its own merit. If necessary, the petitioner shall file an application seeking condonation of delay. The provisional release earlier ordered shall be subject to final outcome of the appeal. If no appeal is preferred within the given period, the confiscating authority shall give effect to his order.

**(Jyoti Saran, J)**

**( Rajeev Ranjan Prasad, J)**

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