

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11618 of 2018

In

Criminal Writ Jurisdiction Case No.2870 of 2017

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Shiv Shankar Sahni son of Nathuni Sahni, r/o village- Pakari Barkhurdar,
P.S.- Pumarwanasham, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna
2. The Principal Secretary, Excise Department, Govt. of Bihar, Patna
3. The Collector, Muzaffarpur
4. The Senior Superintendent of Police, Muzaffarpur
5. The Officer in Charge, Hathawai, P.s.- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani
For the Respondent/s : Mr. Kumar Manish -Sc5

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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)

7 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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