

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7799 of 2018

In

Criminal Writ Jurisdiction Case No.68 of 2018

Vinod Paswan S/o late Kishuni Paswan R/o Village- Sirahi, P.S. Riga,
District- Sitamarhi. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna
 2. The Collector/District Magistrate- Sitamarh, District- Sitamarhi.
 3. The Excise Deputy Commissioner, Sitamarhi.
 4. The Senior Superintendent of Police, Sitamarhi.
 5. The Superintendent of Excise, Sitamarhi.
 6. The Police Inspector Cum S.H.O. Majorgunj Police Station, District- Sitamarhi.
 7. The Police Sub-Inspector in Charge, Suppi, O.P, District- Sitamarhi.
- Respondent/s

Appearance :

For the Petitioner/s : Mr. Dinesh Jha
For the Respondent/s : Mr. Kumar Manish -SC5

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

4 17-12-2018 In this case vide order dated 16.02.2018 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
03.11.2017 in Excise Confiscation Case No. 337 of 2017
arising out of Mejarganj P.S. Case No. 165 of 2017 by the
District Magistrate, Sitamarhi. 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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