

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10077 of 2018

In
Criminal Writ Jurisdiction Case No.526 of 2018

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Sarita Devi Wife of Ganesh Pashwan, Resident of Village/Mohalla at -52
Shahpur, P.O. & P.S.-Bakhtiyarpur, District at-Patna. Petitioner.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Excise. Bihar, Patna.
2. The District Magistrate, Nalanda at Bihar Sharif
3. The Superintendent of Police, Nalanda at Bihar Sharif
4. The Police Inspectorcum S.H.O. Deepnagar Police Station Nalanda at Bihar Sharif.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha
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)

4 18-12-2018 In this case vide order dated 19.06.2018 a provisional
release of the vehicle has already been released.

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 in
Confiscation Case No. 85/2017 by the Collector-cum-District
Magistrate, Nalanda. 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)

Rajeev/R.R.Ojha

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