

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8327 of 2018

In
Criminal Writ Jurisdiction Case No.425 of 2018

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Rishi Kapur @ Rishi Kumar, son of Sita Ram, resident of Village- Sultanpur,
P.S.- Ramgarh, District- Kaimur at Bhabua. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar.
2. The Collector-cum- District Magistrate, Kaimur at Bhabua.
3. The Superintendent of Police, Kaimur at Bhabua.
4. The Superintendent, (Excise), Kaimur at Bhabua.
5. The S.H.O. Ramgarh Police Station, District- Kaimur at Bhabua.
6. The Sub Inspector (Informant), Ramgarh Police Station, District- Kaimur at Bhabua.
7. The Investigating Officer (I.O.), Sub Inspector, Ramgarh Police Station, District- Kaimur at Bhabua.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Parwej Khan
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)

3 10-12-2018 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
21.12.2017 in Confiscation Case No. 224 of 2017-18 by the District
Officer, Kaimur at Bhabua. 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.

(Jyoti Saran, J)

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(Rajeev Ranjan Prasad, J)

