

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12433 of 2018

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Manohar Sahu @ Manohar Sah son of Harinarayan Sahu @ Harinarayan Sah
resident of Village- Aut Dih, P.S.- Ramgarh, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary of the Home Department Bihar at Patna.
2. The Collector cum District Magistrate, Kaimur at Bhabua.
3. The Superintendent of Police, Kaimur at Bhabua.
4. The Sub Divisional Police Officer, Bhabua, District Kaimur at Bhabua.
5. The Officer-in- Charge of Police Station, Durgawati, District Kaimur at Bhabua.
6. The Excise Officer, District- Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey
For the Respondent/s : Mr. Vivek Prasad -Gp7

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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 18-12-2018 In this case vide order dated 06.07.2018 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
24.11.2017 in Confiscation Case No. 105/2016-17 by the Collector-
cum-District Magistrate, Kaimur at Bhabhua. 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 withdraw.

(Jyoti Saran, J)

(Rajeev Ranjan Prasad, J)

Rajeev/R.R.Ojha

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