

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.354 of 2019

Arising Out of PS. Case No.-540 Year-2018 Thana- NAUBATPUR District- Patna

Manish Kumar @ Guddu Son of Lal Babu Singh Resident of Village, Post
and P.S.- Bihta, District- Patna

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Bihar, Patna
2. The District Magistrate, Patna Bihar
3. The Excise Superintendent, Patna Bihar
4. The Sub Inspector of Police, Naubatpur, Patna Bihar

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Adv.
For the Respondent/s : Mr. Kumar Manish, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

5 11-09-2019 Pursuant to the order dated 28.08.2019 passed by this Court, a report dated 5th September, 2019 has been received from the Special Judge (Excise), Patna wherein he has stated that he has taken charge of the Excise Court on 28.08.2019. A perusal of the case record shows that a petition for release of Maruti car was filed by the applicant Manish Kumar on 19.02.2019 over which a report was called for from the concerned police station, which was received on 29.03.2019. It is further stated in the report that the applicant never moved his release application before him till date.

In that view of the matter, this application is disposed



of with a direction to the court below to fix a date for hearing on the petition within one week from the date of receipt/production of a copy of the order. After hearing the parties, the application dated 19.02.2019 must be disposed of on merits in accordance with law within 15 days from the date of receipt of the order.

It is made clear that in case the petitioner fails to press his application on the date fixed for hearing on the application, the court below shall proceed with the matter *ex-parte* and dispose of the same.

(Ashwani Kumar Singh, J)

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