

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2021 of 2019

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Sunil Kumar @ Sunil Thakur, aged about 39 years, Male, S/o Late Yogendra Thakur, resident of Vill.-Pithahi, P.S. and Distt.-Madhepura.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Patna
2. The Collector-cum-District Magistrate, Madhepura.
3. The Superintendent of Police, Madhepura.
4. The Sub-Divisional Officer, Madhepura.
5. The District Supply Officer, Madhepura.
6. The Bloc Supply Officer, Madhepura.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Kamal Kishore Singh, Advocate
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-07-2019 After some argument, learned counsel for the petitioner submits that he may be permitted to seek statutory remedy of appeal by filing a confiscation appeal before the court of learned Sessions Judge, Madhepura.

It is apparent from the impugned order that it has been passed by the Collector-cum-District Magistrate, Madhepura pursuant to the order of remand passed by this court in C.W.J.C. No. 5064 of 2018. It is not in dispute that the order passed by the the Collector-cum-District Magistrate, Madhepura is an appealable order.

Learned counsel for the State is present and submits



that the petitioner may be permitted to seek his statutory remedy of appeal.

In the given facts and circumstances of the case, this writ application is being disposed of with liberty to the petitioner to file statutory appeal before the court of learned Sessions Judge, Madhepura within a period of 30 days from today.

If such an appeal is preferred by the petitioner within the prescribed period, the same will be considered and disposed of by learned Sessions Judge, Madhepura on its own merit.

In case any question of limitation arises, the same will be considered keeping in mind that the petitioner had moved this court in its writ jurisdiction under some bona fide belief.

(Rajeev Ranjan Prasad, J)

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