

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3185 of 2019

In
Civil Writ Jurisdiction Case No.8126 of 2019

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Randhir Kumar S/o Kapildev Yadav @ Kapildev Prasad Yadav R/o Village-
Gamhariya, Near Choak, Ward No. 12, P.S.-Sour Bazar, District-Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Prohibition Excise and Registration Department, Govt. of Bihar, Patna
2. The Principal Secretary Prohibition Excise and Registration Department, Govt. of Bihar, Patna
3. The Commissioner Prohibition Excise and Registration Department, Govt. of Bihar, Patna
4. The Collector-cum-District Magistrate Bhagalpur
5. The Superintendent of Excise Bhagalpur
6. The Superintendent of Police Bhagalpur
7. The Station House Officer Industrial Area Police Station, Distt.- Bhagalpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashwani Kumar Tiwary
For the Opposite Party/s : Mr.Vikash Kumar (Sc 11)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

2 17-08-2019 The writ petition was disposed of by the order dated

28.6.2019 directing for provisional release of the vehicle subject

to the decision in confiscation proceeding.

It is now informed through this modification

application that final orders have been passed in the confiscation

proceeding and thus the release order passed by us cannot be

given effect to because the release was subject to final orders in



the confiscation proceeding.

In such view of the matter we grant liberty to the petitioner to file statutory appeal as available under the Bihar Prohibition and Excise Act, 2016 and whereafter an independent writ petition with the prayer for provisional release pending decision in the appeal, can be filed in the changed circumstances.

With the liberty above, we dispose of this modification application.

(Jyoti Saran, J)

(Partha Sarthy, J)

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