IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18062 of 2019

Rubi Kumari, aged about 35 years, Female, Daughter of Sri Baijnath Hembram, Resident of Sonapur Rahata, P.S.- Kumarkhand, District- Madhepura

... ... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Registration and Excise, Bihar, Patna
2. The District Magistrate-cum- Confiscation Officer, Madhepura, District – Madheprua.
3. The Superintendent of Police, Madhepura.
4. The Excise Superintendent, Madhepura
5. The SHO, Murliganj Police Station, District Madhepura

... ... Respondent/s

Appearance :
For the Petitioner/s : Mr. Wasi Ahmad Khan
For the Respondent/s : AC to GP-7

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
and
HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

2 17-12-2019 Heard learned counsel for the petitioner and learned A.C. to Government Pleader No. 7.

The present writ application has been filed for quashing the order dated 16.02.2019 passed by the learned Collector -cum- District Magistrate, Madhepura in Excise Confiscation Case No. 73 of 2018 whereby the motorcycle of the petitioner i.e. C.T. 100 bearing Registration No. BR -43L-1845 has been confiscated in connection with Murliganj P.S. Case No. 149 of 2018 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act,

WEB COPY

2016 as amended by the Amendment Act 8 of 2018 [hereinafter referred to as 'the Act'] and the Superintendent of Excise, Madhepura has been directed to get the valuation of the vehicle in question done for getting the same auction sale. The petitioner was given the opportunity to participate in the auction sale and if on the valuation fixed in the auction sale he pays, it will be released in his favour, otherwise it will be given to the highest bidder.

Two liters of country made liquor has been recovered from the vehicle in question.

However, after some argument, learned counsel for the petitioner seeks permission to withdraw the present writ application with liberty to prefer appeal.

Section 92(2) under Chapter IX of the Act provides that the final order passed by the Collector is appealable before the Excise Commissioner within a period of ninety days from the date of the order complained off.

In view of the above facts and circumstances, the petitioner is given liberty to prefer appeal within a period of four weeks from the date of receipt of a copy of this order along with an application for condonation of delay. If any such appeal is filed within the time fixed, it is expected from the appellate

WEB COPY

authority to consider the condonation of delay in filing the appeal in view of the fact that the present writ application was pending before this court. It is also expected that the appellate authority shall dispose of the appeal in accordance with law within a period of ten weeks from the date of filing of such appeal.

If the motorcycle in question has not been auction sold till date, then status quo as of existing today, shall be maintained till the conclusion of the appeal.

Accordingly, this writ application is disposed of.

(Dinesh Kumar Singh, J)

(Anil Kumar Sinha, J)

praful/-

U			

WEB COPY