

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24420 of 2019

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Noor Islam alias Nur Islam, aged about 50 years male Son of Lachachu alias Lachachu Islam Resident of Village – Boai, Panjipara P.S. Panjipara District – Uttar Dinajpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration Excise and Prohibition Department, Government of Bihar, Patna
2. The Principal Secretary, Registration Excise and Prohibition Department, Government of Bihar, Patna
3. The District Magistrate Cum- Collector, Kishanganj
4. The Superintendent of Excise, Kishanganj
5. Superintendent of Police, Kishanganj
6. Officer in charge, Kishanganj, Kishanganj

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar
For the Respondent/s : Mr. Vikash Kumar (SC-11)

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

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

2 12-12-2019 The present writ application has been filed for quashing the order dated 23.01.2018 passed in Confiscation Case No. 405 of 2017-18 by the learned Collector -cum- District Magistrate, Kishanganj, whereby the Pick -Up Van bearing Registration No. WB911068, seized in connection with Kishanganj P.S. Case No. 580 of 2017 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 amended by Amendment Act 8 of 2018 (hereinafter referred to as ‘the Act’), which is claimed by the petitioner, has been confiscated and the seized liquor was



directed to be destroyed after collecting samples as per the provision under Section 58(4) of the Act.

Section 92(2) under Chapter IX of the Act envisages the provision of alternative remedy of appeal against the final order passed by the Collector before the Excise Commissioner.

Accordingly, in view of the above provision, learned counsel for the petitioner seeks permission to withdraw the present writ application with liberty to file appeal. Since the order was passed in the year 2018, hence he prays for condonation of delay in filing such appeal.

In these circumstances, the writ application is disposed of with liberty to the petitioner to prefer an appeal before the appellate authority within a period of four weeks along with a copy of this order as well as an application for condonation of delay. It is expected from the appellate authority to dispose of the appeal within a period of ten weeks from the date of filing of appeal, if any, in accordance with law. It is also expected that the application for condonation of delay will be considered by the appellate authority sympathetically in view of the fact that writ application was pending before this court.

Since the final order does not suggest anything with regard to the auction sale of the vehicle in question, hence, if



auction sale has not been made, then *status quo*, as of today,
shall be maintained till disposal of the appeal.

(Dinesh Kumar Singh, J)

(Anil Kumar Sinha, J)

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