

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11173 of 2019

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Md. Arif, Son of Maqsdul Haque R/o Mohalla-Baiganabad, P.O. and P.S.-
Biharsharif, District-Nalanda. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The District Magistrate Sitamarhi.
3. The Superintendent of Police Sitamarhi.
4. The S.H.O. Bihar Police Station, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hansraj, Advocate
For the Respondent/s : Mr. Kumar Manish (SC5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 14-01-2020 Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following relief:-

“For issuance of an appropriate writ or writs, order or orders, direction or directions commanding the respondents to release the Truck bearing Registration No. BR 21D-4391, bearing Chassis No. MAJ42603192K16796 Engine No. 90K62799160 belonging to the petitioner which was seized by S.H.O., Runnisaipur P.S. in connection with Runnisaipur P.S. Case No.84/2017 dated 26.02.2017 registered for the offences under Section 30, 30 (g), 38 (1) (2) Bihar Prohibition and Excise Act, 2016, pending in the Court of learned Addl. District & Sessions Judge-II-cum-Special Judge (Excise Act), Sitamarhi as contained in Annexure-1 to this writ petition.”



It is submitted that Confiscation Case No.383/2017 already stands concluded.

As such, in our considered view, no other and further order can be passed in the present petition, save and except which is being passed herein under, on mutually agreeable terms:-

(1) The petitioner shall file an appeal on or before 14.02.2020.

(2) If the appeal is filed within the aforesaid period, the issue of limitation shall not be raised by the State.

(3) The parties undertake to join and fully cooperate in the said proceedings.

(4) It is expected of the authority concerned to decide the said appeal expeditiously and preferably within a period of three months.

(5) All issues left open.

The writ petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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