

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13027 of 2019

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Muzaffar alias Md. Muzafar Son of Md. Jahir R/o Village-Nemua Sagir Tola,
Sabbali Baraidgah, P.S.-Amour, District-Purnea

... .. 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 Purnea
4. The Superintendent of Excise Purnea
5. Superintendent of Police Purnea
6. Officer in Charge Kasba, Purnea

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate
For the Respondent/s : Mr.Vivek Prasad (GP-7)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 24-06-2020 The petitioner has prayed for the following reliefs :-

“1. To issue an appropriate writ(s),
order(s), direction(s) in the nature of a
writ of Mandamus directing the



respondent the District Magistrate Cum-Collector, Purnea (respondent No.3) to release the vehicle of the petitioner namely Bolero ZLX bearing Engine no. GPG4M83284, Chesis no. MA1WV2GPKH5A41283 which has been seized by the Kasba P.S. Case No. 05/2019 dated 11.1.19 instituted for the offence under sections 279, 337, 338, 272, 273, 34 IPC and 30(a) of the Bihar Prohibition and Excise Act, 2016 which is pending in the court of 2nd Additional District and Sessions Judge cum Special Judge, Excise Act, Purnea.

II. To grant any other relief or reliefs for which the petitioner is found to be entitled to in the facts and circumstances of the case.”

It is stated that confiscatory proceeding has already been decided against the petitioner.

As such, as prayed for, petition is disposed of granting liberty to the petitioner to file an appeal in accordance with the provisions of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the State states that if the appeal is filed on or before 24th July, 2020, then the State shall



not press the issue of limitation and also the same shall not come in the way of disposal of the appeal on merits.

Ordered accordingly, clarifying that the issue of limitation shall not come in the way of the authority in deciding the appeal on merits. The appeal has to be disposed of in terms of the order dated 24.6.2020 passed by this Court in CWJC No. 11848 of 2019 titled as Ravi Kumar vs. The State of Bihar.

Petition stands disposed of with the aforesaid observation and direction.

(Sanjay Karol, CJ)

(S. Kumar, J)

P.K.P./-

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