

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13179 of 2019

Navindra Sardar @ Navin Sardar Son of late Janak Sardar, Resident of
Village- Nishiharpur, Police Station- Shankarpur, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Madhepura.
3. The Superintendent of Police, Madhepura.
4. The Circle Officer Cum Excise Officer, Shankarpur, Madhepura.
5. The Officer in Charge, Shankarpur, Police Station, District- Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Makardhwaj Upadhyay, Advocate
For the Respondent/s : Mr.Vivek Prasad (GP-7)

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 :-

“i) For issuance of a writ in the nature of mandamus directing the respondent authority to forthwith release the house/rooms sealed/seized in connection with Shankarpur P.S.Case No.32/2017 in favour of the petitioner on furnishing of sufficient sureties.

ii) For issuance of any other appropriate writ(s) or order(s) or direction(s) which may be deemed fit and proper 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)

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