

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13814 of 2019

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Rahul Kumar @ Rahul Kumar Singh S/o Lal Babu Singh R/o Pipraha P.S.-
Panapur (Minapur), District- Muzaffarpur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Exercise Department, Government of Bihar, Patna.
2. The District Magistrate, Darbhanga.
3. The S.S.P. Excise Department, Darbhanga.
4. The Superintendent of Police, Darbhanga.
5. The S.H.O., Police Station Simri, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Brisketu Sharan Pandey
For the Respondent/s : Mr.Vikash Kumar (Sc11)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 10-01-2020 Heard learned counsel for the petitioner and learned
counsel for the Respondents.

This is an application for a direction to the respondent authorities to release petitioner's i.e., Tata Manza Car bearing Registration No. HR26AZ-6291, which has been seized under the Simri P.S. Case No. 11 of 2018 dated 01.02.2018, registered for the offences under Section 401, 420, 414, 467/34 of the Indian Penal Code and 30(a) Bihar Prohibition (Amendment) and Excise Act 2016.

For the reasons explained, we modify our order dated



17.12.2019 clarifying that no cost in terms thereof be deposited.

It has come on record that Confiscation Case No. 117 of 2018 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 07.02.2020.

(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.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

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