

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13333 of 2019

=====

Manoj Kumar Vishwakarma son of Late Parmeshwar Vishwakarma Resident
of Village- Kalhawar, P.S. Dumari, District- Giridih, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The Collector-Cum- District Magistrate, Gaya.
3. The Senior Superintendent of Police, Gaya.
4. The Excise Superintendent, Gaya.
5. The Inspector, Excise, Dobhi, Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra, Advocate
Mr. Arvind Kumar, Advocat
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)

4 24-06-2020 The petitioner has prayed for the following reliefs :-

“ (i) For issuance of Writ in the nature of
Mandamus, directing the respondents to
forthwith release Bolero numbered as
JH12D6486, Chessis No.GHB4K90351,



Engine No.BOLERO-DI taken into custody by Inspector, Excise, Dobhi, Gaya in connection with Excise Case No.165/19 dated 31.3.19 for the offence under Sections 30(a), 56(Kh) of Bihar Prohibition and Excise Act in favour of its owner namely Manoj Kumar Vishwakarma (petitioner)

(ii) For issuance of any other appropriate Writ/Writs, Order/Orders, Direction/Directions as your Lordships may find suitable 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./-

U			
---	--	--	--

