

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13811 of 2019

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Md. Saddam Hussain Son of Md. Azam @ Md. Azam Hussain, Resident of
Village- Jipura, Post- Murpa, P.S. Balu Math, District- Latehar, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Senior Superintendent of Police, Gaya, Bihar.
4. The Officer Incharge, Sherghati Police Station, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh
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 issuance of appropriate writ(s)/direction(s) to the Respondents for release of Vehicle of the Petitioner in his favour which is one Bolero bearing Regd. No.-JH-19A-9563 of Chasis No.- MA1PL2GPKF5L3856 and Engine No.- GPFL76794 which has been seized in connection with Sherghati (Dobhi) P.S. Case No.-186/17 dated 09.04.17 for the offences punishable under Sections 272, 273 and 414 of the Indian Penal Code



and under Sections 30(a) of Bihar Prohibition and Excise Act, 2016 on 09.04.17 and for which a Confiscation Proceeding No.- 196/2017 is still pending in the Court of Learned the District Magistrate, Gaya.

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. 196 of 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 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/Ranjeet

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