

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15047 of 2019

Manish Kumar Thakur Son of Awadhesh Thakur Resident of Village-Milki,
P.S.-Bikram, District-Patna

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Govt. of Bihar, Patna
2. The Collector, Patna
3. The Sub Divisional Magistrate Bikram, Patna
4. The Officer-in-charge of Bikram Police Station P.S. Bikram, District-Patna
5. The Investigating Officer of Bikram P.S. Case No. 114 of 2019 P.S. Bikram, District-Patna

... .. Respondents

Appearance :

For the Petitioner : Mr.Sunil Kumar Pathak, Advocate
For the Respondents : Mr.Vikash Kumar SC11

CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 20-01-2020 Pursuant to the order dated 10.01.2020, Collector, Patna is present in Court. Personal appearance of the Collector, Patna is dispensed with.

Heard learned counsel for the petitioner and learned counsel for the respondents.

Petitioner has prayed for issuance of a direction to the Respondent Nos. 2 to 5 release the seized white Colour Tata



Sumo Gold (DIESEL) bearing registration no. BR03PA-2103 corresponding to Engine No. 497SPTC43JWY646822 and Chassis No. MAT446562DEK00639, which was allegedly seized on 12.04.2019 in connection with Bikram P.S. Case No. 114/2019 by the Respondent no. 4 for the offences under Sections 30(a) and 37(b)(c) of Bihar Prohibition and Excise Act 2016 read with Sections (251-b)a, 26 and 35 of the Arms Act which was now pending in the Court of Special Judge Excise Act Patna in Special Case no. 3826 of 2019.

It is submitted that Confiscation Case No. 2710 & 1416 of 2019-20 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.

The writ petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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