

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21704 of 2019

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Santlal Ray Son of Bharosa Ray, resident of Village- Pahiya, P.S.- Garkha,
District- Saran at Chapra. Petitioner/s

Versus

1. The State of Bihar through the Excise Commissioner, Bihar, Patna.
2. The Collector, Saran.
3. The Officer-in-Charge, Garkha Police Station, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Tiwary
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)

3 14-01-2020 The petitioner through the instant petition has prayed

for for the following relief:

“(i)A writ in the nature of mandamus or
any other appropriate writ, order, or direction the
respondents to release the Motorcycle Hero Passion
(Pro) bearing its registration No. BR-31W-6272 in
favour of the petitioner which was seized in Chapra
(Muffasil) P.S. Case No. 151 of 2019 lodged on
20.4.2019 under section 272/273 I.P.C. and 30(a)
of Bihar Prohibition and Excise Act, 2016.

(ii) Any other appropriate writ/order or
direction which your Lordships may deem fit and
proper.”

Learned counsel for the petitioner seeks permission to
withdraw the present petition to take recourse the remedy of
filing appeal under the Bihar Prohibition and Excise Act, 2016.



Permission granted.

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 petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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