

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8097 of 2018

In

Criminal Writ Jurisdiction Case No.859 of 2018

Ashraf Ali Alias Ashraf Miya Son of Nakal Miya Resident of Village- Sirsa
Purana Tola, Police Station- Baikunthpur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Principal Secretary, Excise Department, Govt. of Bihar, Patna.
3. The District Magistrate-cum-Collector, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Officer-in-Charge (Inspector Cum S.H.O.), Baikunthpur Police Station, Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh
For the Respondent/s : Mr.Kumar Manish- Sc5

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 21-01-2020 Heard learned counsel for the petitioner and the respondents.

The petitioner prays for quashing the order dated 09.01.2018 passed by the Collector, Gopalganj in Confiscation (Excise) Case No. 353 of 2017 whereby vehicle, namely, Pick-up Vehicle bearing Registration No. BR-29GA-3042 has been confiscated and further direction to the respondents to release the vehicle seized in connection with Baikunthpur P.S. Case No. 154 of 2017, for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 30(a)/36/37 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner invites our attention to the order dated 18th January, 2020 passed in CWJC No. 3245 of 2017



titled as Manish Kumar Chaudhary Vs. The State of Bihar & Ors. and prays for disposal in terms thereof.

As such, as prayed for, on mutually agreed terms, we dispose of the present petition in terms of the order dated 18th January, 2020 passed in CWJC No. 3245 of 2017 titled as Manish Kumar Chaudhary Vs. The State of Bihar & Ors. making the terms contained therein, applicable mutatis mutandis, insofar as applicable, also to the instant petition. The terms of the said order shall be deemed to have been incorporated and read as a part and parcel of the present order.

It shall be obligatory on the part of the instant parties to place on record of the authorities under the provision of the Bihar Prohibition and Excise Act, 2016, a copy of not only the order passed in the instant petition, but also that of CWJC No. 3245 of 2017 titled as Manish Kumar Chaudhary Vs. The State of Bihar & Ors. which can be conveniently downloaded from the internet.

No order as to costs.

Petition stands disposed off in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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