

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21187 of 2019

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Aruneshwar Kumar S/o Ramswarath Prasad Resident of Mohalla- House No. 524/374, New Laljee Tola, Behind, CDA Building, P.S. Kadamkuan, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Prohibition and Registration Department, Government of Bihar, Patna.
2. The Collector-cum- District Magistrate, Bhagalpur.
3. The Superintendent of Police, Bhagalpur.
4. The Officer-in- Charge of Kotwali (Tilkamanjhi) Police Station, District- Bhagalpur.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Uday Kumar, Advocate
For the Respondents : Mr.Kumar Manish SC5

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 09-01-2020 The petition filed on 19.10.2019 is listed for hearing
for the first time today before the Court.

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

Petitioner has prayed for the following relief:-

“For setting side the order dated 16.08.2019 passed in Confiscation Case No. 72 of 2019 (Miscellaneous Excise Case No. 72/2019-20) by the Collector, Bhagalpur whereby the learned Collector has been pleased to pass the order to confiscate the alleged Crysta Innova Car bearing Registration No. BR01PJ-2730 and further to order for giving possession of the car in question to the petitioner.”



It is submitted that Confiscation Case No. 72 of 2019 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)

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