

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23115 of 2019

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Anju Kumari D/O Lal Saheb Ram, Resident of village- Bahabuli, P.S. Mohania, District- kaimur at Bhabua, at present Anju Kumari, aged about 19 years (Female) W/O Ravi Kumar, Resident of village- Karanpura, P.S. Durgawati, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department Govt. of Bihar, Patna.
2. The District Magistrate-Cum-Collector, Kaimur at Bhabua.
3. The Superintendent of Police, Kaimur at Bhabua.
4. The Officer-in-charge Kudra Police Station, District- Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Singh, Advocate
For the Respondent/s : Mr.Vikash Kumar (SC-11)

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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.

Petitioner has prayed for the following relief:-

“To issue an appropriate writ, order,



direction including a writ in the nature of Mandamus commanding the respondents to release the vehicle (Motorcycle Honda Shine) of the petitioner bearing Registration No. BR.45-J2209, Chassis No. ME4JC738DJT017602, Engine No. JC73ET2041420, which is belonging to petitioner and seized in Kudra P.S. Case No. 166 of 2019 dated 24.5.2019 u/s 30(a) Bihar Excise Act.

(ii) To issue an appropriate writ/order or direction directing the respondents not to take any coercive measure against the vehicle of the petitioner.”

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. 134 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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