

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23062 of 2019

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Devendra Mahto @ Davendra Kumar @ Nagina Rai @ Davendra Kumar
Mahto S/o Late Nagina Mahto resident of Village- Manganpur, P.s.-
Bhagwanpur, Distt.- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Registration and Excise, Govt. of Bihar, Patna
2. The Excise Commissioner Muzaffarpur
3. The District Magistrate cum District Collector Vaishali at Hajipur
4. The Superintendent of Police Vaishali at Hajipur
5. The S.H.O. Bhagwanpur Vaishali at Hajipur
6. The Investigating Officer Bhagwanpur Police Station, Vaishali at Hajipur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha
For the Respondent/s : Mr.Vivek Prasad (Gp7)

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

Petitioner has prayed for the following relief:-

“For setting aside the order dated 09.10.2018
passed by the learned counsel of District Collector
in connection with Criminal
Miscellaneous/Confiscation Case No. 178 of
2017-18 whereby and whereunder the learned
court has confiscated a purchased land of the
petitioner consisting Thana No. 222, Khata No.



134, Khesra No. 625, Area 11 2/3 decimal situated in village Manganpur, P.S.-Bhagwanpur, District Vaishali for allegedly a foreign liquor was recovered from the cattle house of Manohar Rai and the land of the petitioner situated in south at place of occurrence. And/or pass such any order/orders writs/writ, directions/direction for which the petitioner is found to be entitled in the facts and circumstances of this case.”

It is submitted that Confiscation Case No. 178 of 2017-18 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 18.02.2020.

(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)

sujit/-

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