

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9043 of 2018

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Pitu Sarkar Son of Prafulla Sarkar, Resident of Village- Lodha Bari, Police
Station- Khoribar in the District of Darziling W.B.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Excise Department, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Kishanganj.
4. The Superintendent of Police, Kishanganj.
5. The Officer-in-charge, Galgaliya P.S. in the district of Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar

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)

5 21-01-2020 Heard learned counsel for the petitioner and the
respondents.

The petitioner prays for setting aside the order dated
1.8.2017 passed by the District Magistrate, Kishanganj, in
Confiscation Case No. 07 of 2016-17 (arising out of Galgaliya



P.S. Case No. 17 of 2016) whereby vehicle, namely, DCM Truck bearing Registration No. WB73D-6879 has been confiscated and further direction to the respondents to release the vehicle seized in connection with Galgaliya P.S. Case No. 17 of 2016 for the offences punishable under Section 58(2) 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)

Ravi/-

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