

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1030 of 2020

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Mohammed Jakir S/o Mohammad Yakub Resident of At- Bherorra Tola, P.O.-
Chandauli, P.S.- Waini Pusa Op. Chandauli, Tehsil Pisa, District- Samastipur
... .. Petitioner

Versus

1. The State of Bihar through the Home Secretary, Govt. of Bihar, Patna
2. The Collector, Samastipur
3. The Excise Superintendent, Samastipur
4. The Motor Vehicle Inspector Samastipur

... .. Respondents

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Appearance :

For the Petitioner : Mr.Alok, Advocate
For the Respondents : 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)

2 17-01-2020 The petition filed on 16.01.2020 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:-

*“(i) To quash the order dated 07.12.2019
passed by the Collector, Samastipur, in Confiscation
(Excise) Case No. 532/2019 whereby the Collector has
initiated the Confiscation of the vehicle Bolero bearing
registration No. BR33PA-4147, confiscated in
connection with the Chakmehsi Thana P.S. Case No.
126/19. And further to direct the respondents for the
release of the aforesaid vehicle (Bolero bearing
registration no. BR33PA-4147) of the petitioner. And
(ii) For any other order or orders.”*

It is submitted that Confiscation (Excise) Case No.



532 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.

The writ petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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