

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20729 of 2021

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Nagina Yadav Son of Late Bhatu Yadav Resident of Village- Ramdiha, P.S.-
Nursarai, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Nalanda.
3. The Superintendent of Police, Nalanda.
4. The Police Inspector-cum-Officer In-charge, Nursarai Police Station,
District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar, Adv
For the Respondent/s : Mr.Kumar Manish (SC5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 23-12-2021

Petitioner has prayed for the following relief:-

“That the instant application is being filed for issuance of an appropriate writ/writs, order/orders, direction/directions commanding the respondent authority to release/unseal the House (Ramdiha Thana No. 44, Khata No. 43, Khasra No. 571 Rakba 0.03) which has been seized in connection with Nursarai P.S. Case No. 117/2021 dated 08.04.2021 for the alleged offence under sections 272, 273, 34 of the Indian Penal Code and Sections 30(a)(d) of Bihar Prohibition and Excise Amendment Act, 2018, pending in the court of learned ADJ-III cum Special Judge (Excise), Biharsharif, Nalanda.”

Learned counsel for the petitioner seeks permission to
withdraw this application stating that final order of confiscation

has been passed by the Confiscating Authority.

In view of the above, this application is disposed of as withdrawn granting liberty to the petitioner to file appeal against the confiscation order passed by the Confiscating Authority- cum- District Magistrate, before the Appellate Authority and if any such appeal is filed within 4 weeks then appellate authority shall condone the delay in filing the appeal and shall decide the appeal on its own merit preferably within 8 weeks from the date of its filing.

During pendency of appeal, the confiscated vehicle shall not be auction sold.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	