

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1249 of 2016

Arising Out of PS. Case No.-260 Year-2016 Thana- ARARIA District- Araria

Pappu Kumar Bhagat Son of Jugal Bhagat Resident of Mohalla - Gaiyari,
Ward No. 15, P.S. District - Araria.

... .. Petitioner

Versus

1. The State Of Bihar Through The Chief Secretary, Govt. Of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Tirhut Range, Darbhanga.
4. The District Magistrate, Araria.
5. The Superintendent of Police, Araria.
6. The Police Inspector-cum-S.H.O., Araria.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Ambika Bhagat, Advocate
For the Respondent/s : Mr.Ruchikar Jha, AC to SC-8

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 04-07-2022 It appears from the order dated 16.05.2017 that the vehicle in question had been ordered to be released on execution of surety bond of Rs. 7,00,000/- (Seven Lakhs) and other conditions. LPA No. 1647 of 2015 has already been decided. In this case as it appears from the records the District Magistrate, Araria has confiscated the vehicle in question by the impugned order dated 20.09.2016 passed in Confiscation Case No. 23/2016-17.

Since the power of the District Magistrate to pass an order of confiscation has been upheld, the impugned order needs no interference on the ground of his competence to pass such



orders. Under the Bihar Prohibition & Excise Act, 2016, an order of confiscation is appealable. Petitioner is, thus, granted liberty to challenge the order of confiscation, if so advised, within the period of limitation prescribed under the statute. If any question of limitation would arise, the same will be considered keeping in mind that this writ application was filed in this court some time on 15.11.2016 and since then it remained pending consideration before this court, therefore, the petitioner was prosecuting his remedy before this court under bonafide belief.

With such observations, this writ application stands disposed of.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

