

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.47 of 2018

Arising Out of PS. Case No.-214 Year-2017 Thana- PUPRI District- Sitamarhi

Srinath Ray S/o Late Ram Swarath Ray, R/o Village- Chainpur, P.S.- Pupri,
District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Excise, Prohibition and Registration Department
2. The Collector Cum District Magistrate, Sitamarhi.
3. The Superintendent of Excise, Sitamarhi.
4. The Superintendent of Police, Sitamarhi, District- Sitamarhi.
5. The Officer In Charge of Pupri P.S., District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Raj Narayan Mishra, Adv.

For the Respondent/s : Mr.Rewati Kant Raman, AC to SC-11

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 25-07-2022 This writ application has been filed seeking setting aside of the order dated 03.11.2017 passed in Confiscation Case No.388 of 2017 by the learned Collector, Sitamarhi whereby the learned Collector has been pleased to pass the order for confiscation of the alleged bus bearing Reg.No.BR30P 0199.

By order dated 06.02.2018, this Court had already directed for provisional release of the vehicle in question.

Learned counsel for the petitioner submits that he will avail a statutory remedy of appeal against the confiscation order, but this Court may grant him liberty to file an appeal the limitation period of which has already expired.



Mr. Rewati Kant Raman, learned AC to SC-11 is present for the State. He has no objection to the petitioner availing his alternative remedy in accordance with law.

This writ application is thus being disposed of with liberty to the petitioner to seek his remedy of statutory appeal against the confiscation order in accordance with law.

In case a question of limitation arises for consideration, the competent authority/appellate authority shall consider the same keeping in view that this petitioner was availing his remedy before this Court under some bonafide belief and the Court had entertained the writ application which remained pending so long. The appellate authority shall pass an appropriate order on the petition seeking condonation of delay keeping in view the aforementioned facts.

(Rajeev Ranjan Prasad, J)

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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'.

