

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3324 of 2023

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Lalendra Kumar, S/o Shivilal Prasad, Resident of Vill- Mirjan Bigha P.S.-
Islampur District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Dept. Govt. of Bihar, Patna.
2. The District Magistrate, Saharsa.
3. The Superintendent of Police, Saharsa.
4. The Superintendent of Excise, Saharsa.
5. The SHO, Mahishi Police Station, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Sinha, Advocate Mr. Deepak Kumar, Advocate
For the Respondent/s	:	Mr. Vivek Prasad (GP-7)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-04-2023

Petitioner is before us alleging that there was a theft of his vehicle and an F.I.R. was registered as per Annexure-2 on 25.07.2021. Later, petitioner was informed that the said vehicle was used and detained in an Excise Office under the Bihar Prohibition and Excise Act, 2016 (hereinafter “the Act”). An F.I.R. was registered as Annexure-1 on 08.11.2021. The vehicle was found to be carrying 25 litres of liquor. Confiscation proceedings were initiated and he participated in the same. Annexure-5 order was passed on 14.10.2022 and now



admittedly the vehicle has been sold in auction.

The petitioner had an appellate remedy by way of Section 92 of the Act, by which an appeal had to be filed within a period of sixty days, and if any delay is occasioned, within a further period of 30 days. It is trite law that when there is a specific provision for delay condonation, the appellate authority cannot condone the delay beyond the said period prescribed. The above writ petition was filed on 27.02.2023 after the period for filing an appeal has expired; even with a Delay Condonation Application. It is also pertinent that the petitioner has failed to implead the auction-purchaser in the above writ petition.

We are of the opinion that the writ petition cannot be entertained and we dismiss the same.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

P.K.P./Anushka

AFR/NAFR	
CAV DATE	
Uploading Date	11.04.2023
Transmission Date	

