

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3815 of 2020

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Ruben Kumar Son of Ram Vilash Sah, Resident of Village- Gadhiya, P.S. Kumarkhand, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through , the Secretary, Food and Civil Supplies Government of Bihar, Patna.
2. The Collector Cum District Magistrate, Madhepura.
3. The Sub Divisional Officer, Madhepura.
4. The Block Supply Officer, Kumarkhand, District Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinesh Prasad Verma
For the Respondent/s	:	Mr. Arvind Ujjwal (Sc4)
	:	Mr. Vatsal Verma (Ac to Sc4)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 3 | 15-02-2024 | <ol style="list-style-type: none">1. Heard the parties.2. The petitioner being aggrieved by the order passed by the Learned Sessions Judge, Madhepura, in confiscation appeal No. 04. of 2019 dated 29.08.2019, has filed the present writ application on the ground that the confiscation appeal of the petitioner has been rejected by the learned District Judge on limitation and not on merit.3. Learned counsel for the petitioner submits that in confiscation case, No. 03. of 2018, seized auto rickshaw of the petitioner along with loaded grains have been confiscated. The petitioner approached this Court in |
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C.W.J.C. no. 783 of 2019 and a Co-ordinate Bench of this Court, vide order dated 28.05.2019, directed the petitioner to approach the Appellate Authority within a period of one month. The petitioner, however, could file the appeal after three months along with condonation of delay petition, however, the learned District Judge has rejected the confiscation appeal of the petitioner on the technical ground and not on merit.

4. Learned counsel for the respondent submits that since the petitioner did not file the appeal within the stipulated time granted, as such, learned District Judge has rightly dismissed the confiscation appeal of the petitioner.
5. Having heard learned counsel for the parties and taking into consideration the fact that condonation of delay petition was already filed by the petitioner along with the confiscation appeal but learned District Judge, Madhepura, dismissed the appeal on technical ground of limitation, accordingly, the dismissal of appeal on the ground of limitation shall cause a severe hardship to the petitioner. In the circumstances, the order dated 29.08.2019, passed by the learned Sessions Judge, Madhepura in confiscation appeal No. 04 of 2019 is



hereby quashed and the matter is remitted back to the District Judge, Madhepura, to dispose the appeal on its own merit after condoning the delay within a period of three months from the date of receipt/production of a copy of this order.

(Anil Kumar Sinha, J)

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