

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12070 of 2024

Monika Kumari Wife of Punit Kumar Singh, resident of Mohalla-Sant Ravidas Ashram, Dhurwa @ Dhurba, P.S.-Dhurwa @ Dhurba, District-Ranchi, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Muzaffarpur.
2. The Superintendent of Police, Muzaffarpur.
3. The Officer in Charge of Minapur Police Station, Muzaffarpur.
4. The Investigating Officer of Minapur Police Station, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate
For the Respondent/s : Mr. Standing Counsel 11

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

6 03-12-2024 Learned counsel for the State on instruction submitted that confiscation proceedings has attained finality on 02.08.2022, he also submitted that subject matter of vehicle has not been auctioned as on this day. In such an event, petitioner has statutory remedy of appeal before the Appellate Authority under Section 92 of Bihar Prohibition and Excise Act, 2016.

2. Even though there is a delay however, there is no clause for condonation of delay to the extent that appeal is required to be filed within the time stipulated, in such circumstances Appellate Authority can exercise the power to



decide the petitioner's appeal to be filed. If such appeal is filed the same shall be considered and pass order by the Appellate Authority within a period of three months from the date of receipt of such appeal. In the alternative petitioner is permitted to invoke remedy under Rule 12 A of Bihar Prohibition and Excise Act amended in 2022 and 2023. If such application is submitted, the competent authority is hereby directed to pass order within a month from the date of receipt of such application.

3. With the above direction the present CWJC No. 12070 of 2024 stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Ankit Kumar/-

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