

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19562 of 2024

Ubed Alam S/o-Hafizuddin R/o of Village-Jhingakata, P.O.- Maheshbahan,
P.S.- Bhadurganj, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Department, Bihar, Patna.
2. The District Magistrate Cum Collector, Kishanganj, District-Kishanganj.
3. The Senior Suprintendent of Police Kishanganj, District-Kishanganj.
4. The Assistant Plant Reserve Officer, Kishanganj, District-Kishanganj.
5. The Assistant Plant Reserve Officer, Kishanganj, District-Kishanganj.
6. The District Agriculture Officer, Kishanganj, District-Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Aquaib Khan
For the Respondent/s	:	Mr. Sunil Kumar Mandal, Sc3
	:	Mr. Arjun Prasad, Ac to

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 19-11-2025 1. The petitioner has filed the present writ application being aggrieved by the order dated 18.10.2023 passed in Confiscation Appeal No. 10 of 2023 by learned District Judge, Kishanganj.

2. Learned counsel for the petitioner submits that the tractor as well as fertilizers having 38 bags of urea, 3 bags of sulphate ammonia and 8 bags of Single Super Phosphate (SSP) were seized by the authorities on 07.02.2022. Learned District Magistrate-cum-Collector initiated a confiscation case having Confiscation Case No. 347 of 2022 whereby the vehicle belonging to the petitioner was ordered to be confiscated. The fertilizers were sold immediately after the seizure of the same and the sale proceeds have been kept in the Government



Treasury.

3. Learned counsel for the petitioner next submits that the petitioner is having no concern with the urea and his tractor was only hired for transportation of the materials from one place to another. Petitioner filed a confiscation appeal before the learned District Judge, Kishanganj, being aggrieved by the order of confiscation passed by the District Magistrate in the confiscation case after a delay of about 210 days. A condonation of delay petition accompanied with the confiscation appeal giving the reasons of non-filing of the appeal within time inasmuch as the petitioner was suffering from jaundice and could not take adequate steps for filing of appeal after meeting his lawyer. The learned District Judge has dismissed the appeal of the petitioner on the ground of delay and refused to condone the same holding that reasonable cause was not shown for not filing the appeal within time.

4. Learned counsel for the State submits that the petitioner has filed the appeal after an inordinate delay of 210 days and the cause shown by him in the condonation of delay petition was not sufficient.

5. I have heard learned counsel for the parties and have perused the condonation of delay petition filed by the



petitioner under Section 5 of the Limitation Act in the appeal. From perusal of the condonation of delay petition, it appears that after obtaining the certified copy of the order on 07.06.2023, the petitioner fell seriously ill and could not consult his advocate for filing appeal before the competent Court. The petitioner has also taken the point that the delay was not willful. In my opinion, rejection of the appeal on technical ground shall defeat the interest of justice, particularly when no third-party right has been created and no prejudice shall be caused to the respondent if the appeal is heard on its merit.

6. Accordingly, I set aside the order of appellate authority order dated 18.10.2023 passed in Confiscation Appeal No. 10 of 2023 by learned District Judge, Kishanganj, and the appeal is remanded back to learned District Judge, Kishanganj, to pass the order on merit within a reasonable time frame, preferably within a period of 3 months from the date of receipt/production of a copy of this order.

7. With the aforesaid direction and and observation, the present writ application is disposed.

(Anil Kumar Sinha, J)

HarshPandey/-

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