

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4552 of 2019

In
Civil Writ Jurisdiction Case No.1438 of 2019

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Sanjay Rai @ Sanjay Kumar Ray, S/o Baliram Ray, Resident of Mohalla-
Municipal Chowk, P.S. - Town Chapra, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The Collector- Cum- District Magistrate, Saran, Chapra.
3. The Superintendent of Police, Saran, Chapra.
4. The Excise Superintendent Saran Chapra.
5. The Sub divisional Officer, Chapra, Saran.
6. The Station House Officer, Chapra Town, Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harish Kumar
For the Opposite Party/s : Mr.Vivek Prasad (Gp 7)

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

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

3 08-05-2025 The present MJC is filed for modification of the

order dated 17.05.2019 passed in CWJC No. 1438 of 2019 only

to the extent of extending the time limit stipulated for the

purpose of filing appeal before the Appellate Authority insofar

as provisional release of the subject premises. Co-ordinate

Bench has passed order on 17.05.2019 and time lapses in the

month of June, 2019 whereas the present MJC is filed in the

month of May, 2020. The petitioner's advocate has taken time to

remove office objection till 20.06.2024. In other words, office



has raised objections/defects on 25.02.2020. There is no application for delay in re-filing. That apart if COVID period is taken into consideration, in that event, COVID period was over on 28.02.2022. Thereafter, petitioner/advocate slept over the file from 01.03.2022 to 20.06.2024 insofar as not attending the office defect(s). However, in the interest of litigant order dated 17.05.2019 passed in CWJC No. 1438 of 2019 stands modified insofar as time limit stipulated to file appeal 30 days to that of “eight weeks from today”. To the above extent order dated 17.05.2019 passed in CWJC No. 1438 of 2019 stands modified.

2. Hence, the present MJC No. 4552 of 2019 is allowed subject to payment of cost of Rs. 5000/- (Rupees Five Thousand). Cost shall be remitted in the Lawyers’ Association Welfare Benevolent Fund, Patna bearing Account No. 7801893276, IFSC Code- IDIB0001501 within in a period of eight weeks from today.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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