

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Cr.M.P No. 455 of 2016**

Chandraprasad Khaiwar S/o Bhukhan Khairwar Aged About 63 Years  
Occupation Vegetable Vendor, R/o Village - Saraipali Thana & Tah. -  
Saraipali, Civil & Rev. Distt. Mahasamund, Distt. Mahasamund  
Chhattisgarh.

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through P.S. Pipariya, Distt. Kabirdham, (Kawardha) Chhattisgarh.
2. The Excise Commissioner Office Of Excise, Aabkai Bhawan, Near Chhokara Nala, Labhandi, Raipur Chhattisgarh.

**---- Respondents**

For Petitioner:

Ms. Sharmila Singhai, Advocate.

For Respondent/State:

Smt M. Asha, Panel Lawyer.

**Single Bench:      Hon'ble Shri P. Sam Koshy, J**  
**Order On Board**

**21.4.2016**

1. The present petition under Section 482 Cr.P.C has been filed with a limited prayer of a direction to be issued to the Excise Commissioner, Raipur for deciding Appeal Case No/R.E.C 01/2015-2016.

2. Learned Counsel for the Petitioner submits that the vehicle of the Petitioner was involved in a case illegally carrying 25.38 bulk liters of country made liquor and for which proceedings have been drawn under Section 34(2) of the Excise Act. She further submits that the proceedings of confiscation have also been initiated against the same and an order of confiscation was initiated on 6.12.2014 and ex-parte confiscation order has also been issued. According to the Petitioner, he had immediately preferred an appeal on 11.5.2015 before the Excise Commissioner, Raipur. However, till date, there is no further development on the appeal and neither has there been any

proceeding drawn by the appellate authority till date. It is in the light of the said factual position, the Petitioner preferred the instant petition seeking for expeditious hearing of the appeal.

3. Learned State Counsel does not oppose the same and submits that the Petition may be disposed with a direction to the appellate authority for deciding the same on an early date.

4. In view of the same, the instant Cr.M.P is allowed with a direction that Respondent No.2, before whom the Appeal Case No.R.E.C 01/2015-2016 is pending, shall decide the same as expeditiously as possible, preferably within a period of three months from today subject to the Petitioner's co-operation.

Sd/-  
(P. Sam Koshy)  
**JUDGE**