

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22169 of 2018

In
Criminal Writ Jurisdiction Case No.142 of 2017

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Ravindra Kumar Singh son of Munni Singh, resident of Village- Manjurahi,
Police Station- Muffasil, District-Aurangabad

... .. Petitioner

Versus

1. The State of Bihar though it's the Principal Secretary, Excise Department,
Govt. of Bihar, Patna
2. The District Magistrate, Aurangabad
3. The Superintendent of Police, Aurangabad
4. The Incharge Officer, District Law Branch, Aurangabad
5. The Anchal Adhikari, Aurangabad
6. The Investigating Officer, Aurangabad Muffasil Police Station, Aurangabad

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.
For the Respondent/s : Mr. Kumar Manish, SC 5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 22-04-2019

Heard Mr. Anil Kumar, learned counsel for the petitioner
and Mr. Kumar Pankaj, learned AC to SC-5, appearing on behalf
of the State.

It is by virtue of the order passed by a learned Single
Judge on 9.3.2018 that the house of the petitioner, which was
seized in connection with Muffasil P.S.Case No. 73/2017, was
unsealed and possession thereof was given to the petitioner.
Subsequently, Cr.W.J.C.No. 142/2018 allowed to be converted in



the present Civil Writ Petition but by virtue of an interim order dated 9.3.2018, the house has been unsealed.

Presently Mr. Anil Kumar, learned counsel for the petitioner, while acknowledging that the house has been unsealed under the orders passed by this Court seeks leave to question the confiscation order dated 24.10.2017 passed by the District Magistrate, Aurangabad in Excise Confiscation Case No. 226/2017.

Having heard learned counsel for the parties and in view of the situation existing, we allow the petitioner to question the confiscation order dated 24.10.2017 in appeal before the appellate forum in terms of the provisions of Bihar Prohibition and Excise Act, 2016 within 30 days from today and it goes without saying that any such appeal filed by the petitioner accompanying with the petition for condonation of delay shall be considered by the Appellate Authority and disposed of on its own merits bearing in mind that the petitioner was pursuing his cause before the High Court.

It also goes without saying that if the petitioner fails to present appeal within 30 days from today, the Confiscating Authority shall be at liberty to proceed for taking possession of the confiscated property.



The application is allowed to the extent as stated
hereinabove.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

Archana/
Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.05.2019
Transmission Date	NA

