

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5997 of 2021

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Shishupal Sao @ Palan Sao, Son of Ruplal Sao, R/o Village Mali Tola, P.S
Rajgir, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Excise Commissioner, Excise Department,
Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. District Magistrate, Nalanda.
4. The Superintendent of Police, Nalanda.
5. The Station House Office (SHO) Rajgir PS, District-Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Naresh Prasad, Advocate Ms. Pushpa Kumari, Advocate
For the Respondent/s	:	Mr. Vikash Kumar, S.C. 11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

**(The proceedings of the Court are being conducted through
Video Conferencing and the Advocates joined the proceedings
through Video Conferencing from their residence.)**

Date : 28-05-2021

Heard the parties.

Petitioner has prayed for following relief(s):-

“For issuance of a writ in the nature of
Certiorary to quash the order dated
01.06.2020 passed by District
Magistrate-cum-Collector, Nalanda in
Confiscation (Excise) Case No. 131/19
arising out of Rajgir P.S. Case No.
320/19 instituted on 28.08.2019 for
offence under Section 30(a) of Bihar
Prohibition and Excise Act, 2016
whereby and whereunder he had passed



the order of Confiscating the seized/sealed house of petitioner and further directed to the Excise Superintendent of Excise, Nalanda to conduct the auction of the sealed house of the petitioner and deposit the auctioned amount in the treasury and also quash the appellate order dated 08.09.2020 vide Excise Appeal No. 76/2020 passed by Excise Commissioner by which he had mechanically upheld the order of confiscation passed by Collector and further prayed to issue a direction to the respondents to hand over the confiscating property to the petitioner.”

It has been submitted on behalf of counsel for the State that petitioner has approached this Court without exhausting statutory remedy of revision against the order dated 08.09.2020 passed by the appellate authority in Excise Appeal No. 76 of 2020.

The writ petition is disposed of with liberty to petitioner to avail his statutory remedy of revision against the order passed by the appellate authority and, if any, such revision is filed by the petitioner within eight weeks, the appellate authority shall condone the delay in filing revision petition as the matter remain pending before this Court and shall decide the revision petition on merits preferably within eight weeks from the date of its filing.



The writ petition is accordingly disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

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

