

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7173 of 2021

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Dina Nath Mahto Son of Late Bhagwan Das Mahto, a resident of Mohalla - Bahri Begampur, Par Pokhra, Police Station- Bypass, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Excise Department, Bihar, Patna.
2. The Collector Cum District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Superintendent of Police, Patna Town, Patna.
5. The Sub Divisional Police Officer, Patna City, Patna.
6. The Station House Officer, Bypass Police Station, Patna.
7. The Asstt. Police Inspector (Sri Ashwani Kumar), Bypass Police Station, Patna.

... .. Respondent/s

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

Appearance :

For the Petitioner/s : Mr.Raj Krishan Jha, Adv
For the Respondent/s : Mr. Vivek Prasad GP-7

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 09-06-2021

Learned counsel for the parties desire the matter be taken up today.

Petitioner has prayed for the following relief(s)-

“That this writ petition is for release the Godown of the petitioner abovenamed which was seized by the Bypass Police Station in connection with Bypass Police Station PS Case No. 38 of 2021 under sections 272, 273 of the IPC and 30(a), 32, 36, 41(1)(2) of the Bihar Excise Act by the concerned respondents.”



Learned counsel for the petitioner submits that petitioner is the owner of the godown which was leased out on rent to Mr. Ramendra Sharma for business purpose but same was being used for illegal trade of illicit liquor in contravention of terms of lease agreement. Learned counsel for the petitioner further submits that final confiscation order has been passed in Confiscation Case No. 2348 of 2020-21 by the District Magistrate/Confiscating Authority, Patna, against which he has preferred appeal before the Appellate Authority, which is still pending.

In the facts and circumstances of the case, the writ petition is disposed of with a direction to the Appellate Authority to dispose of the appeal of the petitioner within 30 days from the date of receipt/production of a copy of the order passed by this Court.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.06.2021
Transmission Date	NAFR

