

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9518 of 2021

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Kiran Devi W/o Shiv Sharan Prasad @ Siya Sharan Singh, resident of
Village-Kutulupur, Police Station-Ben, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Govt. of Bihar, Patna.
2. The District Magistrate, Nalanda.
3. The Superintendent of Police, Nalanda.
4. The Deputy Superintendent of Police, Biharsharif, Nalanda.
5. The Station House Officer, Ben Police Station, District-Nalanda.
6. The Investigating Officer of Ben P.S. Case No. 145 of 2018, District-
Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate
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)

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

Date : 06-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“1. (a) That the present writ application is
being filed before this Hon’ble Court on
behalf of above named petitioner for
issuance of writ of certiorari for
quashing/setting aside the order dated
31.01.2020 passed in Confiscation (Excise)



Case No. 53 of 2019 by the learned court of District Magistrate, Nalanda at Bihar Sharif by which entire building along with land (hereinafter referred to as 'said property') has been confiscated Under Section 58 (2) of Bihar Prohibition and Excise Act, 2016 and has further been pleased to direct for auction of the said property Under Section 58 (5) of the Bihar Prohibition and Excise Act, 2016.

1.(b) That the petitioner is further praying before the Hon'ble Court for issuance of writ of certiorari for quashing/setting aside the order dated 08.09.2020 passed in Excise Appeal Case No. 72 of 2020 by the learned Court of Excise Commissioner, Bihar at Patna by which the order dated 31.01.2020 passed in Confiscation (Excise) case No. 53 of 2019 by the learned Court of District Magistrate, Nalanda at Bihar Sharif has been upheld. ”

Petitioner has approached this Court without availing the statutory remedy of revision against the impugned appellate order, as such, liberty is granted to petitioner to file revision against the appellate order before the Revisional Authority and if any such Revision is filed within 8 weeks, then Revisional Authority shall condone the delay in filing the revision petition



and shall decide the revision petition preferably within 8 weeks from the date of its filing on its own merit.

During pendency of revision petition, confiscated property shall not be auction sold, if not already auction sold.

With aforesaid liberty, the writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

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

