

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4538 of 2021

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Anita Devi Wife of Late Pyare Choudhary Resident of Aliganj, Manpur, P.S.-
Chandradeep, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar .
2. The Principal Secretary, Excise Department, Bihar, Patna.
3. The Excise Commissioner, Bihar, Patna.
4. The Collector, Jamui.
5. The Superintendent of Police, Jamui.
6. The Dy. S.P. Chandradeep, Jamui.
7. The Officer in Charge, Chandradeep, Jamui.

... .. Respondent/s

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha, Adv
For the Respondent/s : Mr.Vikash Kumar (SC11)

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

Date : 12-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“(i) For quashing the impugned order dated 25.10.2019, passed by the Collector, Jamui in Confiscation Case No. 103 of 2017 whereby and whereunder the house of the petitioner has been confiscated in connection with Chandradeep PS Case No. 73 of 2017 u/s 272/273 of the IPC and 30/30(A) of the Bihar Excise Act, 2016 which is not sustainable in the eye of law and fit to be set aside.”

Petitioner has approached this Court without exhausting



the statutory remedy of appeal against the impugned order, as such, petitioner is granted liberty to avail the remedy of appeal against the confiscation order passed by the Confiscating Authority- cum- District Magistrate, before the Appellate Authority and if any such appeal is filed within 8 weeks then appellate authority shall condone the delay in filing the appeal and shall decide the appeal on its own merit preferably within 8 weeks from the date of its filing.

During pendency of appeal, the confiscated vehicle 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)

ranjan/-

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

