

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10541 of 2021

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Raj Kumar Pandit, S/o Late Prayag Pandit, R/o Village Barhouna, P.S.
Barahat, District Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Department of Excise, Bihar, Patna.
2. The District Magistrate, Banka.
3. The Excise Commissioner, Bihar, Patna.
4. The Divisional Commissioner, Banka.
5. The Superintendent of Police Banka.
6. The S.H.O. Barahat (Banka) Police Station District Banka.
7. The Circle Officer Barahat District Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha, Advocate
For the Respondent/s : Mr. Vivek Prasad (G.P.-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 : 16-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“(i) For issuance of writ in the nature of Mandamus directing to Release/unseal the residential and joint family house of the petitioner which was sealed by the Barahat Police after 3 days of the institution of the Case on 25/01/20 which is situated in the Barhouna Village, at Mouza-Barhouna, Thana No. 114,



Khata No 205/5, Khesra No. 1120/373, Area 0.05 Dimal, and Boundry is (North-Triveni Sah, South-Road, East-Bageshwar Pandit, and West-Dipak Kumar Singh.

(ii) For issuance of writ in the nature of Certiorari for setting aside an Order dt 12/02/211 (Annx- 3) where the learned Collector Banka had passed an Order for confiscate the house U/s. 58(2) and further the learned Collector Banka had also passed an Order to Auction of the aforementioned house U/s. 58 (5) of the Bihar Excise Act. in Confiscation Case No. 672/2019/20.

(iii) For any other relief/reliefs which is petitioner may be found entitled to in the facts and circumstances of the Case.”

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 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

