

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11133 of 2021

Prakash Choudhary, Son of Jamun Choudhary, Resident of Village-Near
Hanuma Mandir Kutubganj, P.S.-Babarganj, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Bhagalpur.
3. The Superintendent of Police, Bhagalpur.
4. The Superintendent of Excise, Bhagalpur.
5. The Officer-in-Charge, Babarganj Police Station, District-Bhagalpur.

... .. Respondent/s

(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.Rajive Ranjan Singh, Adv
For the Respondent/s	:	Mr. Vikash Kumar SC-11

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

Date : 16-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“(i) For quashing the order dated 28.12.2020 passed by learned Collector/District Magistrate, Bhagalpur, in Mis. Case No. 368/2018-19.

(ii) For direction to release the house of the petitioner situated in Mohalla Kutubganj Ward No. 32, Khata No. 630, Khesra No. 1236 क,ख,ग Rakwa-0.1082 Heq.”

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 concerned 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)

ranjan/-

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

