

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 11772 of 2021

Amrita Devi Wife of Abhay Kumar Yadav Resident of Village- Madanpur,
Tola- Gamharia, Police Station- Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through Excise Commissioner, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Madhepura.
3. The Superintendent of Police, Madhepura.
4. The Sub Divisional Officer, Udakishunganj, District- Madhepura.
5. The Excise Superintendent, Madhepura.

... .. 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.Uday Chand Prasad, Adv
For the Respondent/s : Mr.Kumar Manish (SC5)

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

Date : 19-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“(i)For issuance of writ in the nature of certiorari for quashing of order dated 19.02.2021 passed by Excise Commissioner, Bihar, Patna in Excise Appeal No. 56 of 2020 whereby appeal filed by the petitioner has been dismissed and order of Collector-cum-District Magistrate Madhepura has been affirmed.

(ii)For issuance of writ in the nature of



certiorari for quashing of order dated 17.02.2020 passed by the Collector-cum-District Magistrate, Madhepura in Excise Confiscation Case No. 64 of 2019 whereby petitioner's shop bearing Khata No. 1004, Plot NO. 1004, Mauza- Bhirkhi, Uttarwari, Police Station and District- Madhepura has been ordered to be confiscated and by order dated 17.02.2020 the Excise Superintendent, Madhepura to take necessary steps for auction of shop.

(iii) For issuance of writ in the nature of mandamus direction to the respondents to release the shop of petitioner bearing Khata No. 1004, R.S. Plot No. 1004, Mauza- Bhirkhi, Uttarwari, Police Station and District- Madhepura in favour of petitioner which was sealed in Excise Case No. 85 of 2019-2020 instituted under Section 30(a) of Bihar Prohibition and Excise Act, 2016 due to recovery of 3.800 Litres illegal Masaledar Country made liquor.

(iv) For issuance of writ in the nature of Mandamus direction to Respondents to restrain them for not taking any shop for disposal/auction of aforesaid shop of petitioner in pursuant to order dated 17.02.2020 passed in Excise Confiscation Case No. 64 of 2019.”

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)

ranjan/-

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

