

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11836 of 2021

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Lailoon Chaudhari, Son of Nageshwar Chaudhary @ Nago Chaudhari,
Resident of Village- Mallichak (Govardhan Sahai), Police Station- Rahui,
District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Nalanda.
3. The Additional Collector - Cum- Additional District Magistrate, Nalanda.
4. The Superintendent of Police Excise, Nalanda.
5. The Superintendent of Police, Nalanda.
6. The Dy. Superintendent of Police, Nalanda.
7. S.H.O. of Rahui P.S., District - Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudish Kumar, Advocate
For the Respondent/s : Mr. Vikash Kumar, S.C. 11

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

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

Date : 20-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

“(I) For issuance a writ in the nature of Certiorary quashing the order dated 12.04.2021 (Annexure-2) passed by respondent no. 3 in Confiscation (Excise) Case No. 90 of 2021 arising out of Rahui P.S. Case No. 468 of 2020 dated 21.12.2020 registered under Section 30(a) Bihar Prohibition of Excise Amendment Act whereby illegally confiscated a build house of petitioner being Thana No. 08, Khata No. 226, plot no. 1399, Area 0.016 dismal and Thana No. 08 Khatha No. 226, plot no. 1392, Area 1.562 dismal.

(II) For issuance of a writ in the nature of Mandamus directing the respondent to release the build house of petitioner bearing Thana No. 08, Khata No. 226, Plot No. 1399 Area 0.016 dismal and Thana No. 08 Khata No. 226,



Plot No. 1392 Area 1.562 dismal.
(III) Further pray to grant of any other relief/s for which the petitioner entitled to be also given."

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

