

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14472 of 2021

=====

Devendra Singh, S/o Late Adalat Singh, Resident of Village-Katalpur, P.S.-
Baikunthpur, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Deptt. of Registration, Prohibition and Excise,
Govt. of Bihar, Patna.
3. The Commissioner, Saran at Chapra.
4. Commissioner, Excise, Saran, Chapra.
5. District Magistrate-cum-Collector, Gopalganj.
6. Superintendent of Police, Gopalganj.
7. Excise Superintendent, Gopalganj.
8. The Circle Officer, Baikunthpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Dhananjay Mishra, Advocate, Mr. Surendra Prasad Singh, Advocate
For the Respondent/s	:	Mr.Vivek Prasad (GP-7)

=====

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 : 24-08-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“(i) To set-aside the order of Collector, Gopalganj dated 28.02.2020 passed in Excise Case No. 528/19 and open the seal (Lock) of Kirana and Medical shop of petitioner during the pendency of the writ petition which was seized and sealed after registered the case vide Baikunthpur P.S. Case No. 175/2019 u/s. 272, 273 and 34 of I.P.C. and section. 30(a) of the Bihar Excise (Amendment) Act, 2016.

(ii) To provide any other relief/reliefs for which the petitioner is entitled for.”

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