

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20558 of 2021

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Shambhu Yadav Son of Late Tarni Yadav Resident of Village - Sattar, Ward
No. - 03, Police Station - Bihra, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna.
2. The Commissioner, Department of Excise, Government of Bihar, Patna.
3. The District Magistrate cum Collector, Saharsa, Bihar.
4. The Excise Superintendent, Saharsa.
5. The Excise Inspector, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate
For the Respondent/s : Mr. Vivek Prasad, GP-7

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

Date : 23-12-2021

Heard learned counsel for the parties.

The petitioner has prayed for the following relief/s :-

That, this writ application is being filed on behalf of the above named
petitioner for issuance of appropriate writ/writs, order/orders,
direction/directions to quash the order dated 07.01.2021, passed in
Confiscation Case No. 422/2020-21, by the Respondent District
Magistrate Cum Collector, Saharsa, whereby and where under the cattle
shed, a joint ancestral property, allegedly belongs to the petitioner has
been confiscated, and further prayed for release of the said cattle shed.



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 4 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 vehicle 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)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	24.12.2021
Transmission Date	

