

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1016 of 2022

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Kanchan Devi Wife of Mithlesh Mistry R/o Village- Chandasi, P.O.- Noor Sarai, P.S.- Noor Sarai, District- Nalanda, Bihar- 803118.

... .. Petitioner/s

Versus

1. The State of Bihar .
2. The Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
3. The District Magistrate-cum-Collector, Nalanda at Biharsharif.
4. The Superintendent of Excise Prohibition, Nalanda at Biharsharif.
5. The Assistant Excise Commissioner, Nalanda at Biharsharif.
6. The Superintendent of Police, District- Nalanda at Biharsharif.
7. The Officer Incharge/S.H.O., Noorsarai Police Station, District Nalanda at Biharsharif.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashutosh Singh
For the Respondent/s : Mr.Kumar Manish (Sc5)

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(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.)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 14-02-2022

Heard learned counsel for the parties.

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

“(i) For issuance of an appropriate direction/s, order/s, writ/s to the respondent authorities to open the seal of the house of the petitioner situated over Khata No. 92, Khesra No. 1627, Khatiyani , Mauza Chandasi, Thana No. 58, Area 0.1 decimal which has been constructed by the petitioner under INDIRA AWAS YOJNA, which has been Acquired U/Sec. 58(2) of the Bihar Excise Prohibition

Act by the concerned authority in connection with Noorsarai P.S. Case No. 240/2021 dated 19.07.2021, offence alleged U/Sec. 30(a) of the Bihar Excise Prohibition Act, 2018 and u/sec. 272/273 of the IPC.

(ii) For to set aside the confiscation order of House of the petitioner dated 16.11.2021 (Annexure-4) passed by the learned Court of Additional Collector cum Additional District Magistrate Nalanda in Confiscation (Excise) Case No. 363/2021 (State Vs. Mitesh Mistri) (Arising out of Noorsarai P.S. Case No. 240/2021, dated 19.07.2021 without issuing any notice to the petitioner (writ petitioner).

(iii) For to set aside the order dated 17.12.2021 passed by the learned Court of the Commissioner (Excise) Bihar, Patna in Excise Appeal Case No. 837/2021 (State Vs. Mithlesh Mistri) Arising out of Confiscation (Excise) Case No. 363/2021 (State Vs. Mithlesh Mistri) order dated 16.11.2021.

(iv) For issuance of direction to restrain the authorities concerned for holding an auction sale of the house or part of the house of the petitioner in view of the order dated 16.11.2021 (Annexure-4) passed by the learned Court of Additional Collector cum Additional District Magistrate Nalanda in Confiscation (Excise) Case No. 363/2021 (State Vs. Mithlesh Mistri) (Arising out of Noorsarai P.S. Case No. 240/2021, dated 19.07.2021.

(v) For direction to the respondent authorities to open the seal of the house or remaining part portion of the house, where the alleged 2-litres of country made liquor or for wood polishing liquid has not been recovered.”

It is submitted by learned counsel for the State that during pendency of this writ petition grievance of the petitioner

has been redressed as his house has been unsealed and only that part of the house has been sealed from which illicit liquor was recovered.

In view of the categorical statement made by learned counsel for the State that the grievance of the petitioner has been redressed this application has become infructuous, and is, accordingly, dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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