

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9428 of 2022

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Chaturbhuj Singh Son of Late Shivnandan Singh Resident of Village-
Kabilpur, P.S- Kanti, District- Muzaffarpur. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Excise Department.
 2. The Commissioner of Excise, Muzaffarpur, Government of Bihar.
 3. The Deputy Commissioner Excise, Muzaffarpur, Government of Bihar.
 4. The District Collector, Muzaffarpur, Government of Bihar.
 5. The Superintendent of Police, Muzaffarpur, Government of Bihar.
 6. S.H.O. Kanti Police Station, Muzaffarpur, Bihar
 7. S.I. (Panapur O.P. Officer), Kanti Police Station, Muzaffarpur, Bihar.
- Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rohit Kumar, Advocate
For the Respondent/s : Mr.Vivek Prasad (Gp)

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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 : 29-07-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

- (a) For issuance of appropriate writ for quashing the order dated 15.03.2022 and its consequence, passed by the Deputy Development Commissioner, Muzaffarpur (respondent no. 3), in Confiscation case no. 301/2021-22 arising out of Kanti P.S. Case no. 56/2020, by which he confiscate the land of petitioner on the allegation that the police recover 360 ml English liquor from the pocket of Jacket of one Anirudh Singh who is owner of a "Pan Gumli" which was stationed on the land of petitioner for which the petitioner receive rent from the said Anirudh Singh (only named accused of the said P.S. Case).

(b) Any other order/orders, direction/directions, relief/reliefs as your Lordship deem fit and proper in facts and circumstances of this case.

Petitioner has approached this Court without exhausting the statutory remedy of appeal/revision 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/revision petition, confiscated property shall not be auction sold, if not already auction sold.

In view of amendment in the Excise Act, and same being applicable in pending case, it shall be open for the petitioner to get his/her house/property unsealed after making payment of penalty in terms of Rule 12(B) and 57(B) inserted by amending Bihar Prohibition and Excise Rules, 2021.

With aforesaid observation and direction, the writ

petition stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.08.2022
Transmission Date	NA