

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9966 of 2022

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Ajeet Chaudhari Son of Chuha Chaudhari Resident of Village-Belouwa, P.S.
Rajgir, District-Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Excise, Bihar Patna.
2. The Excise Commissioner Patna. Bihar
3. The Collector Cum District Magistrate, Nalanda.
4. The Additional Collector Cum Additional District Magistrate, Nalanda at Biharshrif
5. The Superintendent of Police, Nalanda.
6. The S.H.O. Cum Officer in Charge, Rajgir Police Station, District-Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate
For the Respondent/s : Mr. Kumar Manish (SC-5)

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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 : 22-07-2022

Heard learned counsel for the parties.

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

- (i) To issue an appropriate writ, writs, order or orders for quashing the order dated 23.05.2022 passed in Excise Appeal Case No. 305/ 2022 by which the Respondent No. 2 has dismissed the appeal and confirm the order dated 28.12.2021 passed in Confiscation (Excise) Case No. 192 / 2021 by Respondent No. 4.

- (ii) To also quash the order dated 28.12.2021 passed in Confiscation (Excise) Case No. 192 / 2021 (Arising out of Rajgir P. S. Case No. 310 / 2020 by which the Respondent No. 4 has confiscated the house of the petitioner.
- (iii) To issue a writ in the nature of mandamus commanding the respondents to release of the house of petitioner situated at Mauza- Belouwa, Khata No. 45, Plot No. 427, area- 1.62 decimals, in the district of Nalanda.
- (iv) To stay the impugned orders during the pendency of present writ petition.
- (v) To give any other appropriate relief / reliefs as your lordships may deem fit and proper for the end of justice.

It is submitted on behalf of the State that petitioner has approached this Court without availing the remedy of revision against the order passed by the Excise Commissioner, who is the appellate authority.

The writ petition is disposed of with liberty to

petitioner to avail the remedy of revision before the Revisional Authority, and if any, such revision petition is filed, the same shall be decided and disposed of within four weeks.

In view of amendment in the Excise Act, and same being applicable in pending case, it shall also be open for the petitioner to get his/her house unsealed in terms of Rule 12(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)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	