

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10711 of 2022

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Sakunti Devi W/o Awadhesh Chaudhary, Residence at Village- Noorsarai
(Sahsaray) Ward No.- 12, P.S.- Nursarai, District- Nalanda, Pin Code- 803113

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Department of Excise and Prohibition, Government of Bihar, Patna.
2. The District Magistrate Cum Collector, Nalanda at Bihar Sharif.
3. The Senior Superintendent of Police, Nalanda.
4. The Superintendent of Police, Excise and Prohibition, Nalanda.
5. The Station House Officer, P.S.- Noorsarai (Bihar Sharif).

... .. Respondent/s

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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.)

Appearance :

For the Petitioner/s : Mr.Subodh Kumar, Adv
For the Respondent/s : Mr.Kumar Manish (SC5)

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

Date : 29-07-2022

Heard learned counsel for the parties.

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

2. That this is an application for release of the house of the petitioner Situated in Village Sahsarai (Noorsarai) Ward no.-12 P.S –Noorsarai ,District – Nalanda (Bihar Sharif) The whole house has been seized by the Police in connection with Noorsarai P.s Case no.-323/2021 dated 19-9-2021 and Excise G.R. no.- 5565/2021 registered under section 272/273/34 of the IPC and 30 (a) of Bihar Prohibition and Excise 2018 pending in the court of Special Judge Excise Act, Nalanda at Bihar Sharif

And To Pass such other order or orders as your lordships may be deem fit and proper under the facts and circumstances of the case.

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/property shall not be auction sold, if not already auction sold.

Petitioner is also at liberty to get his/her vehicle released on payment of penalty in terms of Rule 12(A) inserted by amending Bihar Prohibition and Excise Rules, 2021.

With said observation and direction, this writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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