

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11098 of 2022

Shayam Lal Sharma, son of Ayodhi Sharma, Resident of Village- Sanjheli,
P.S.- Kasba, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, the Department of Custom and Excise, the Government of Bihar, Patna.
2. The Collector Purnea, District- Purnea.
3. The Superintendent of Police Purnea, District- Purnea.
4. The Deputy Superintendent of Police Purnea, District- Purnea.
5. The Officer In Charge of P.S. Kasba District- Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Nadimul Hasan, Advocate
For the Respondent/s	:	Mr.Kumar Manish, SC-5
		Mr Ajit Kumar Sinha, Advocate

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

Date : 10-08-2022

The petitioner has prayed for the following reliefs :-

(I) That, through the present writ application , the petitioner prays for issuance of an appropriate writ/ writs , order/orders direction/directions for quashing and stay the order dated 29.04.2022 passed in Excise case no. 113 of 2022 (Arising out of Kasba P.S case no. 286/2021) passed by the Respondent no. 2 the Collactar purnea District purnea , by which the Learned Collactar purnea has passed said confiscation order of the lands on which residential house of the petitioner situated and the petitioner has leeving since



long time on that house pertaining Thana no. 276 Khata no. 24 Khesra no. 875 of an Area 3 Decimaal or 780 square kari of the lands as because according police report there were 18.00 Litar of foreign Liquor have been recovered from the alleged premises. Under the provision of Bihar Excise Act 2016.

And further be pleased to released the above mention lands from confiscation process, that the petitioner is land less person except the mentioned portion of lands petitioner has no any portion of land for constructing residential house. And also set aside the proceeding of the confiscation process in Excise case no. 113 of 2022 arising out of kasba P.S case no. 286/2021.

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)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	11.08.2022
Transmission Date	

