

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12472 of 2022

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Gopal Jee Singh Son of Late Nathun Singh, Resident of Village and P.O.
Ansari, P.S. Murar, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Prohibition of Excise and Registration Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Prohibition of Excise and Registration Department, Govt. of Bihar, Patna.
3. The District Magistrate, Buxar.
4. The Superintendent of Police, Buxar.
5. The Officer Incharge, Murar, Police Station-Murar, District-Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh, Advocate
For the Respondent/s : Mr.Vikash Kumar (Sc 11)

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

Date : 02-09-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

(I) For issuance of writ in the nature of mandamus or any other appropriate writ for quashing of TR Case No.123 of 2022 (Collector Case No.289 of 2022) for confiscation in connection with Murar P.S. Case No. 10 of 2022.

(ii) For issuance of writ in the nature of mandamus or any other appropriate writ for commanding the respondent to act accordance with law.

(iii) For issuance of any other appropriate writ, order or direction which your Lordships may deem fit and proper in the facts and circumstances of the case.”

Learned counsel for the petitioner submits that confiscation proceeding was initiated by respondent being T.R. Case No.123 of 2022 (Collector Case No.289 of 2022), which is still pending and final order has not been passed.

In said view of the matter, the concerned District Collector/Confiscating authority is directed to conclude the confiscation proceeding within 90 days from the date of filing of show cause by the petitioner, if not already filed or within 90 days, if the show cause has been filed from the date of receipt/production of a copy of order passed by this Court, failing which, the land in question shall be provisionally unsealed till conclusion of confiscating proceeding and possession to be handed over to the petitioner, on furnishing adequate sureties and undertaking to the satisfaction of District Collector / Confiscating Authority.

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.

It is made clear that this Court has not expressed any opinion with respect to merit of the case.

Equally, liberty reserved to petitioners/original house owner to approach this Court for same and subsequent cause of action, if so arises.

With aforesaid observation and direction, the writ petition stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/-Veena

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