

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8482 of 2023

In
Criminal Writ Jurisdiction Case No.2766 of 2017

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Udai Rai S/O Late Ganga Rai Resident of Village- Bhisha, P.S.- Dumra,
District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary (Excise), Govt. of Bihar, Patna.
2. District Magistrate-cum-Collector, Sitamarhi
3. Superintendent of Police, Sitamarhi.
4. Excise Superintendent, Sitamarhi.
5. Station House Officer, Dumra, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Rajeev
For the Respondent/s : Mr. Vikash Kumar (Sc 11)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

5 14-07-2023 1. In the instant petition, the petitioner has
prayed for the following relief:

*“ 1. That this is an application
for issuance of an appropriate Civil writ,
order or direction for quashing the order
dated 3.11.2017 passed in Confiscation
Case No.382 of 2017 by learned
Collector, Sitamarhi whereby house and
courtyard of the petitioner was
acquainted and S.H.O., Dumra has been
directed to remain Vigilant on sealed*



house and Baranda of the petitioner and for a further direction to stay acquisition procession till final disposal of criminal case i.e. Dumra P.S. Case No.172 of 2017 and/or for any other order or orders as Your Lordships may deem fit and proper under the circumstances of the case.”

2. The petitioner without exhausting statutory remedy of appeal under Section 92 of the Bihar Prohibition and Excise Act, 2016 before the appellate authority has directly approached this Court. In other words, the present petition is premature.

3. Accordingly, the petition is disposed of as premature, reserving liberty to the petitioner to invoke statutory remedy within reasonable period of time.

4. If there is any delay in filing appeal or revision, the concerned authority is hereby directed to take note of Section 14 of the Limitation Act for the purpose of condonation of delay, if any.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

Skm/chandan/-

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