

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7666 of 2023

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Ravindra Murmu aged 25 Years, Male, Son of Chatur Murmu Resident of Village- Shahpur, Santhali Tola, Ward No. 5, P.S.- Gwalpara, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through Excise Commissioner, Govt. of Bihar, Patna.
2. The District Magistrate, Madhepura.
3. The Senior Deputy Collector, Madhepura.
4. The Superintendent of Police, Madhepura.
5. The Excise Superintendent, Madhepura.
6. The State House Officer, Gwalpara Police Station, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad, Advocate
For the Respondent/s	:	Mr. Vivek Prasad (GP 7)
		Mr. Sanjay Kumar, AC to GP 7

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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 11-08-2023 In the instant petition, petitioner has prayed for the following reliefs:-

"For issuance of writ in the nature of certiorari for quashing the order dated 15.04.2023 passed by Senior Deputy Collector, Madhepura in Excise Confiscation Case No. 35 of 2023 whereby petitioner was directed to deposit penalty of Rs. One Lakh due to recovery of illegal liquor and manufacturing article from the house of petitioner and it was further directed to authority concerned to release the house after receiving penalty of Rs. One Lakh from petitioner, if he does not deposit the amount



the auction process of the house will be started.

(i) For issuance of writ in the nature of Mandamus direction to respondents to release the house cum land of the petitioner in his favour situated in Mauza Shahpur, Thana No. 218, Khata No. 706 Khesra No. 222 Area 0.10 Decimal Jamabandi No. 1439.

(ii) For issuance of any other appropriate writ, order direction save and except in accordance with law."

2. The present petition is pre-mature for the reasons that the petitioner has statutory remedy of appeal and revision under Section 92 and 93 of the Bihar Prohibition and Excise Act, 2016. Without exhausting such remedy, he has rushed to this Court.

3. Accordingly, the present petition stands disposed off as pre-mature reserving liberty to the petitioner to invoke remedy of appeal before the appellate authority. If there is any delay in filing appeal, the appellate authority is hereby directed to take note of Section 14 of the Limitation Act, 1963 for condonation of delay, if any.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

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