

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12284 of 2023

Binod Kumar Sah Son of Late Bechan Sah Resident of Village-Rampur, Ward
No. 10, Police Station-Murliganj, District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through Excise Commissioner, Government of Bihar, Patna.
2. The Collector-Cum-District Magistrate, Madhepura.
3. The Additional Collector-Cum-Additional District Magistrate, Madhepura.
4. The Superintendent of Police Madhepura.
5. The Superintendent of Excise, Madhepura.
6. The Station House Officer, Murliganj Police Station, District-Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad, Advocate Mr. Manoj, Advocate Ms. Pooja Prasad, Advocate
For the Respondent/s	:	Mr. Vivek Prasad, GP 7

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 22-09-2023

Heard learned counsels for the respective parties.

2. In the instant petition, petitioner has prayed for the
following relief/reliefs:

*“(i) For issuance of writ in the nature of
certiorari for quashing of order dated 31.05.2023
passed by learned Additional Collector in excise
Confiscation case No. 160 of 2022 whereby the Kirana
shop of petitioner situated at Village – Rampur, Ward
No. 10, Police Station – Murliganj, District –*



Madhepura has been directed to confiscated and by the said order it was directed to release the Kirana Shop in favour of petitioner after depositing 50 % amount of appraised price of Kirana Shop which is at least Rs. One Lac within 15 days, if he does not deposit, the excise Superintendent Excise, Madhepura will proceed of auction of Kirana Shop, in which petitioner will be given priority.

(ii) For issuance of writ in the nature of Mandamus direction to Respondents to release the aforesaid Kirana shop in favour of petitioner exonerating him from paying half of the appraised price.

(iii) For any other appropriate writ, order, direction save and except in accordance with law.”

3. The present writ petition is not maintainable in view of the fact that the petitioner has a statutory remedy of appeal before the appellate authority under Section 92 of the Bihar Prohibition and Excise Act, 2016.

4. Perusal of the records, it seems to be a trivial matter for which petitioner's *Kirana* Shop may not be confiscated. In this regard, the petitioner is permitted to prefer an appeal before the appellate authority within a period of two weeks from the date of receipt of this order.

5. Petitioner is hereby directed to enclose order copy of this Court passed in C.W.J.C. No. 17894 of 2022. If such appeal along with the order of this Court is produced before the appellate



authority, appellate authority is hereby directed to take note of the same and proceed to decide the petitioner’s appeal at the earliest within a period of three weeks from the date of receipt of such appeal.

6. With the above observation, the present writ petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.09.2023
Transmission Date	NA

