

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17434 of 2022

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Nathun Singh Son of Chaturee Singh Resident of Village-Modehri, Police Station-Jamhore and District-Aurangabad, (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Senior Deputy Collector Cum Presiding Officer, Excise, Aurangabad.
4. The Superintendent of Police, Aurangabad.
5. The Station House Officer, P.S. Jamhore, District-Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra, Adv
For the Respondent/s : Mr.Kumar Manish (SC 5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-02-2023

Heard learned counsel for the petitioner.

Petitioner has prayed for the following relief(s):-

"That Petition is being filed for setting aside the order dated 06/7/2021 passed in Excise Confiscation Case No. 611/2019/85/2021 by the learned Court of Senior Deputy Collector cum Presiding Officer, Excise No. 05 Aurangabad whereby and where under the room of the petitioner constructed just adjacent to exit measuring are 0.02 decimal appertains to Khata NO. 53, Plot No. 568, 559 and 563 under Thana No. 288 located at Mauza-Mordehri, P.S.-Jamhore, District-Aurangabad."

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, 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 property shall not be auction sold, if not already auction sold.

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.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

ranjan/-

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

