

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14496 of 2023

=====

Kumar Abhishek Son of Bhola Prasad Singh Resident of Alok Niketan, Gali No.5 (East), Subhash Nagar, Dehri, Police Station Dehri-on-Sone, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Prohibition and Excise Department, Bihar, Patna.
2. The District Collector-Cum-District Magistrate, Rohtas at Sasaram.
3. The Sub-Divisional Officer, Dehri, Rohtas.
4. The Circle Officer, Dehri, Rohtas.
5. The Superintendent of Police, Rohtas at Sasaram.
6. The Assistant Commissioner, Excise Department, Rohtas.
7. The District Sub Registrar, Rohtas at Sasaram.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rupak Kumar, Advocate
For the Respondent/s : Mr. Vikash Kumar, (SC- 11)

=====

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

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

2 17-10-2023 Heard learned counsel for the respective parties.

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

“That this writ application is filed for issuance of writi the nature of certiorari or other appropriate writ for setting aside the order dated 11.07.2023 passed in Excise Confiscation Case No. 97 of 2022 by the District Collector-cum-District Magistrate,



Rohtas at Sasaram whereby and whereunder the property mentioned in Mauza Makarain, Thana No. 146, Khata No. 104, Khesara No. 196 having area of 62.5 Acre situated in Dehri in the district of Rohtas has been confiscated under the power exercisable under section 58 (2) of Bihar Prohibition and Excise Act, 2016 without appreciating the fact and law in true prospective and contrary to the land/place of seized liquor.”

3. Petitioner has not exhausted the statutory remedy of appeal under Section 92 of the Bihar Prohibition and Excise Act, 2016. Hence the present writ petition is premature.

4. Accordingly, present writ petition stands disposed of reserving liberty to the petitioner to file appeal before the appellate authority within a period of two weeks from today. If such appeal is filed, the appellant authority is hereby directed to examine the petitioner's appeal while taking note of the Section 14 of the Limitation Act, 1963 for the purpose of delay, if any in filing appeal. Such appeal shall be decided within a reasonable period of time.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Jyoti/-

U			
---	--	--	--

