

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17384 of 2022

1. Dharmendra Ram @ Dharmendra Das Son of Chhedi Ram,
 2. Satyendra Ram Son of Chhedi Ram
- Both are resident of Village- Bhuiyan Toli, P.S.- Barun, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary Excise Department, Govt. of Bihar, Patna.
3. The District Magistrate, Aurangabad (Bihar).
4. The Superintendent of Police, Aurangabad (Bihar).
5. The S.H.O. Barun, Aurangabad (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh, Advocate
For the Respondent/s : Mr.Vivek Prasad (GP7)

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 parties.

Petitioners have prayed for following reliefs:-

“(a) For issuance of a writ in the nature of certiorari for quashing the order dated 04.07.2022 passed by Commissioner Excise, Patna in Excise Appeal Case No.413 of 2022 Contained in Annexure 3 and whereby and whereunder the petitioner has been ordered to pay maximum penalty.

(b) For further direction to the respondent to release the residential house of the petitioners considering the economical condition of petitioners.

(c) For passing any other order(s) direction(s) or appropriate writ(s) in the facts and circumstances of the instant case.”

Petitioners have approached this Court without exhausting the statutory remedy of revision against the appellate



order, as such, petitioners are granted liberty to avail the remedy of revision against the appellate order before the Revisional Authority and if any such Revision is filed within 4 weeks, the revisional authority shall condone the delay in filing the revision petition and shall decide the revision preferably within 8 weeks from the date of its filing on its own merit.

During pendency of revision petition, 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)

Sanjay/- Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.02.2023
Transmission Date	NA

