

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9252 of 2025

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Birendra Modi @ Viru @ Birendra Kumar Son of Late Kamodeshwari Prasad@Kamleshwari Modi Resident of Village-Panjabi Muhalla, Ward no. 16, P.S.-Kabaiya, District-Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary of Excise Department, Bihar at Patna.
2. The Secretary of Execise Department, Bihar at Patna.
3. The Commissioner Excise, Patna.
4. The District Collector-Cum-District Magistrate, Lakhisarai.
5. The Superintendent of Police, Lakhisarai.
6. The Superindent of Excise Lakhisarai.
7. The Excise Inspector, Lakhisarai, District-Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar
For the Respondent/s : Mr.Additional Advocate General (12)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

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

2 11-07-2025 In the instant petition, petitioner has prayed for

following relief(s):-

“(i) For issuance of writ in the nature of mandamus to quash the order dated 30.09.2021 as well as order dated 15.02.2021 both passed by the Collector-cm-district Magistrate, Lakhisarai, in Confiscation Case No. 14 of 2019 u/s – 58(2) of Bihar Prohibition & Excise Act,



2016, whereby and where under “sealed room” situated under Mauza – Kuel, Than No. 122, Khata No. 131, Khesra NO. 257, Area – 4 Dhur 10 Furki (0.177/265 Decimal) has been confiscated, which was seized in Excise P.R. No. 33 of 2019 dated 06.03.2019 u/s 30(a), 32, 41 & 56(c) of Bihar Prohibition & Excise Act, 2016.

(ii) For further direction to the State Respondents to release the aforesaid confiscated “seized seal room” situated under Mauza – Kuel, Than No. 122, Khata No. 131, Khesra No. 257, Area – 4 Dhur 10 Furki (0.177/256 Decimal), by respondent No. 2, in favour of the appellant, who is the owner of aforesaid house.

(iii) For any other relief/reliefs for which the petitioner is entitled in the eye of law.”

2. The petitioner has invoked remedy under Section 92 of Bihar Prohibition & Excise Act, 2016 in filing Memorandum of Appeal against the confiscation order dated 30.09.2021. Appeal was disposed on 23.06.2022 for non appearance of advocate/party.



3. In the light of these facts and circumstances, Appellate Authority is requested to entertain revival of pending Appeal and decide Appeal within a reasonable period of time of 03 months from the date of receipt of this order. It is to be noted that there is no time limit stipulated for the purpose of filing Appeal and Revision under the Act. Therefore, Appellate Authority can exercise power of recalling his order and proceed to decide the Appeal on merits.

4. With the above observation, present CWJC No. 9252 of 2025 stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Nirajkrs/-

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