

(2020) 07 PAT CK 0188

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 1206 Of 2020

Braj Kishore Sah @ Braj Kishor Shah

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 09-07-2020

Acts Referred:

Bihar Prohibition And Excise Act, 2016 — Section 56

Citation : (2020) 07 PAT CK 0188

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Dinesh Jha, Kumar Manish

Final Decision : Disposed Of

Judgement

The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner has prayed for the following reliefs: -

I. "For issuance of an appropriate writ/writs/order/orders/direction/directions including a writ preferably in the nature of certiorari for quashing the order dated 24.07.2019 passed in Excise Confiscation Case No. 230 of 2019 (State Vs Braj Kishore Sah) by the District Magistrate, Sitamarhi whereby and whereunder in the purported exercise of powers conferred to him under Section 58 of the Bihar Prohibition and Excise Act, 2016 he has confiscated the petitioner's thatched hut of the petitioner.

II. For issuance of an appropriate writ/writs/order/orders/direction/directions and for direction to the respondent6s to unseal the hut which was being used as cattle shed of the petitioner of Khata No. 925, R.S.P. No. 6864 of village - Punaura, District- Sitamarhi, the said hut is said to have sealed in connection

with Sitamarhi (Punaura O.P.) P.S. Case No. 104/18 dated 03.02.2018 under the provision of Bihar Liquor Prohibition and Excise Act, 2016 and handing over possession of the same to the petitioner."

Petitioner has filed this writ petition against the order dated 24.07.2019 passed in Excise Confiscation Case No. 230 of 2019 (State Vs Braj Kishore Sah) by the District Magistrate, Sitamarhi by which the hut of petitioner has been ordered to be confiscated.

Petitioner has approached this Court without exhausting the statutory remedy of appeal and revision against the impugned order, as such, writ petition is disposed of with liberty to petitioner to avail the statutory remedy of appeal/revision before approaching this Court, if any, appeal is filed by petitioner the appellate authority shall condone the delay in filing the appeal as matter remain pending before this Court and shall decide the appeal on merit preferably within 30 days.