

**(2020) 07 PAT CK 0267**

**Patna High Court**

**Case No:** Civil Writ Jurisdiction Case No. 5029 Of 2020

Niranjan Prasad Singh @  
Niranjan Singh

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

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**Date of Decision:** July 13, 2020

**Acts Referred:**

- Indian Penal Code, 1860 - Section 272, 273
- Bihar Prohibition And Excise Act, 2016 - Section 30(a), 47

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

**Bench:** Division Bench

**Advocate:** Dipak Kumar, Vikash Kumar

**Final Decision:** Disposed Of

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### **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 respondents.

Petitioner has prayed for following relief:-

“For issuance of writ in nature of Mandamus for directing and commanding the respondent authorities to release the House situated at Village-

Malaypur, Thana-Malaypur, Khata No. 107, Khesra No. 1701/1702 (hereinafter referred to as “the House”) of which petitioner is a bona fide

owner, in connection with the Malaypur P.S. Case No. 56 of 2017 instituted for the alleged offence punishable under Section 272/273 of the Indian

Penal Code and 30(a)/47 of Bihar Prohibition and Excise Act, 2016”.

The writ petition has been filed against the order dated 25.10.2019 passed in confiscation case no. 109 of 2017 passed by the confiscating authority

without availing the statutory remedy of appeal/revision against the order passed by confiscating authority as such present writ petition at this stage is not maintainable.

The writ petition is disposed of with liberty to petitioner to avail the statutory remedy of appeal/revision against the final order 25.10.2019 passed by

the confiscating authority in confiscation case no. 109 of 2017. If any such appeal is filed by the petitioner the appellate authority shall condoned the

delay in filing appeal as the matter remain pending before this court and shall decide the appeal filed by petitioner on merit preferably within 30 days of

filing of such appeal. If property not already auctioned sold shall not be auctioned sold during pendency of appeal.