

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5361 of 2017

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Rajan Kumar, Son of Baleshwar Chaudhary, resident of Village- Mahuli, P.S.- Muffasil, District Munger Presently residing at village- Mahadevpur, Hasan Nagar, Ayodhya, Munger.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The Principal Secretary, Department of Excise, Government of Bihar, Patna.
3. The Excise Commissioner, Department of Excise, Government of Bihar, Patna.
4. The District Magistrate cum Collector, Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Sushmita Mishra, Advocate

For the Respondent/s : Mr. Bishwa Bibhuti Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 02-05-2017

Challenging the proceedings held in Confiscation Case No.13/16-17 and the order dated 06.01.2017 passed by the District Magistrate, Munger directing for confiscation of a vehicle Tata Sumo Victa bearing registration No.BR-53-6659, the petitioner, who is the owner of the vehicle in question, has filed this writ petition.

Even though various grounds are raised in the writ petition, one of the grounds canvassed is that in the confiscation proceedings held under Section 68(A) of the Bihar Excise Act, notice to



the owner, namely, the petitioner, has not been issued and behind the back without hearing the petitioner, the owner, the confiscation order has been passed and the vehicle seized and made property of the Government. Accordingly, contending that in breach of the provisions of the natural justice without hearing the petitioner, action taken is unsustainable, this writ petition has been filed.

Having heard learned counsel for the parties, it is seen that in the confiscation proceedings held only the accused persons in Criminal Case No.49 of 2016 registered by the Police Station Gangta were noticed and the petitioner, who is registered owner of the vehicle in question, as is evident from the registration certified filed, has not been heard and, therefore, on this ground alone, the impugned order of confiscation has to be quashed and the matter remanded back to the competent authority for reconsideration.

Accordingly, this petition is allowed. The order dated 06.01.2017 passed by the District Magistrate, Munger confiscating the Tata Sumo Vehicle No. BR-53-6659 stands quashed and the matter remanded back to the District Magistrate, Munger for re-hearing and deciding the question of confiscation afresh.

In the meanwhile, the vehicle in question, shall be released to the petitioner on his furnishing two surety bonds to the satisfaction of the District Magistrate, Munger and further undertaking to produce the



vehicle as and when directed by the District Magistrate, Munger and not to alienate the vehicle during the pendency of the confiscation proceedings or the Criminal proceedings.

With the aforesaid, the petition stands allowed and disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.05.2017
Transmission Date	

