

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8505 of 2019

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Awadhesh Prasad Singh, Gender Male, age 70 years, S/o Munarik Singh
Resident of Village- Hakimpur, P.O.- Fular, P.S.- Mahua, District- Vaishali.

... .. Petitioner

Versus

1. Union of India through the Excise Commissioner.
2. Excise Commissioner, Central G.S.T. and Central Excise, Patna-11, 4th Floor, C.R. Building (Annexee) Bir Chand Patel Path, Patna-1.
3. Assistant Commissioner (Vigilance), Central G.S.T. and Central Excise, Patna-11, 4th Floor, C.R. Building (Annexee) Bir Chand Patel Path, Patna-1.
4. Superintendent of Excise, Muzaffarpur Division, Muzaffarpur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Das No.2, Adv.
For the Respondent/s : Mr. Alok Kumar Agrawal, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

3 01-05-2019 Heard Mr. Ranjeet Kumar Das No.2, learned counsel

for the petitioner and Mr. Alok Kumar Agrawal, learned

Standing Counsel for the Central Goods and Services Taxes and

Central Excise Department, respondents no. 1 to 4.

The petitioner prays for a direction to the respondents
to settle his claim in relation to seizure of 628Kg of tobacco by
giving him a hearing.

In the first blush the prayer looks innocuous and there
is no reason to deny but then we take notice of two facts and i.e.
that the seizure took place in 1986 or before and in respect



thereof a money suit was filed bearing Money Suit No. 12/1986 which was dismissed by the Sub-Judge, Vaishali. Secondly, seven years later the petitioner moved this Court in CWJC No. 4475/1993 and a Division Bench presided by Hon'ble the then Chief Justice declined to exercise discretion in view of the existing circumstances. It is 26 years thereafter that the petitioner has awoken from slumber to again approach this Court. On a pointed query made to learned counsel for the petitioner as to whether at all seizure has been questioned before the authority under the Act, the answer comes in negative.

In such view of the matter and in view of the circumstances discussed above, we do not consider the case to be fit enough for indulgence and which is accordingly disposed of.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

Archana/
Surendra/-

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