

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5688 of 2020**

Indu Devi, Wife of Uma Thakur, Resident of Village - Rewasi, P.S. - Riga,  
District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Prohibition, Excise and Registration Department, Govt.of Bihar, Patna.
2. Excise Commissioner cum I.G. Registration, Bihar Patna.
3. The District Magistrate, Sheohar.
4. The Superintendent of Police, Sheohar.
5. The Officer-in-Charge, Piprahi P.S., District- Sheohar.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Shashank Chandra, Advocate  
For the State : Mr. Vikash Kumar, S.C.-11

**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

2      21-05-2020                      Heard the petitioner and learned counsel for the respondents.

Petitioner has prayed for the following relief(s):

“For issuance of a Writ in the nature of a Writ of Certiorari, or any other appropriate Writ order quashing the order dated 17.10.2019 in Confiscation Case No. 50 of 2019 passed by the Respondent No.3 (Annexure -3) and the order dated 27.02.2020 in Excise Appeal Case No.62 of 2019 passed by the Respondent No.2 (Annexure -5) . By the impugned order dated 17.10 2019 in Confiscation Case No.50 of 2019, the Respondent



No.3 has been pleased to confiscate the Maruti Swift Car of the Petitioner bearing **Registration no. BR-06-BS-5847, Chassis No. MBHCZC03SJJ270173 and Engine No.D13A-0769599**, seized in connection with Piprahi P.S Case No. 50 of 2019 dated 18.03.2019 registered under section 30(A) and 37 (C) of the Bihar Prohibition and Excise Act 2016 and also granted liberty to the SHO Piprahi P.S. to request the Superintendent of Police, Sheohar for auctioning the confiscated vehicle, if he is satisfied that it is not possible to preserve/ store the vehicle, further by order dated 27.02.2020 in Appeal Case No.62 of 2019, the Respondent No.2 in Appeal has affirmed the order of confiscation dated 17.10.2019 in Confiscation Case No. 50. The Petitioner further prays for consequential Writ of Mandamus commanding the Respondent Authorities specially the Respondent No.3 to forthwith release the aforesaid vehicle of the Petitioner in her favour.”

Undisputedly, order of confiscation of the property under Section 58 of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’) stands passed. Also, appeal preferred against such order, under Section 92 of the Act stands dismissed. As per the order, petitioner’s vehicle bearing **Registration no. BR-06-BS-5847 (Maruti Swift Car)** was used for transporting 200 ml. of contraband substance prohibited under the provisions of the Act. Resultantly, the



vehicle has been directed to be put to auction.

When this matter was taken up, Shri Vikash Kumar, learned Standing Counsel-11 invited our attention to the provisions under Section 93 of the Act, whereby it is open for the petitioner to prefer a revision petition.

Learned counsel for the petitioner Shri Shashank Chandra states that in the present circumstance, petitioner may not be in a position to file a revision and equally, the Revisional Authority may not be in a position to hear and dispose of the same.

At this stage, Shri Vikash Kumar, learned Standing Counsel-11 appearing for the State states that if the petitioner were to file a revision petition by way of an electronic mode, within a period of one week, the appropriate authority shall decide the same through video conferencing, within a period of two weeks thereafter.

In this view of the matter, Shri Shashank Chandra, learned counsel for the petitioner submits that petitioner shall resort to such mechanism and file a revision positively within a period of one week.

As such, we dispose of the present petition in the following mutually agreed terms:

- (a) We have not expressed any opinion on the merits of the matter;
- (b) Petitioner shall prefer a revision petition within a period of one week from today;
- (c) The same shall be filed through an electronic mode;
- (d) After affording an opportunity of hearing to the petitioner/his counsel, through the mode of



video conferencing, the Revisional Authority shall positively consider and decide the same, on its own merits within a period of two weeks from the date of receipt thereof.

- (e) Liberty is reserved to the petitioner to take recourse to such remedies as are otherwise available, if so required and desired, including filing a petition before this Court.
- (f) Till such time the appropriate authority decides the revision petition, the vehicle in question shall not be put to auction;
- (g) This, however, is subject to the petitioner preferring a revision petition before the Revisional Authority within a period of one week from today.
- (h) Shri Vikash Kumar, learned Standing Counsel No. 11 undertakes that he shall follow up the matter with the concerned authority ensuring that the petitioner is permitted to file the petition through an electronic mode and that hearing of the matter also takes place through such mode.

Petition stands disposed of in the above terms.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

K.C.Jha/-

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