

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10240 of 2021

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Vibhesh Raj, Son of Upendra Nath Tiwary, resident of Shiv Mandir, Lakari Khurd, Lakari Dargah, P.S.- Siwan Town, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Excise and Prohibition Department, Govt. of Bihar, Patna
3. The District Magistrate, Rohtas
4. The Superintendent of Police, Rohtas
5. The Station House Officer, Dinara, Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh, Advocate
For the Respondent/s : Mr. Kumar Manish SC-5.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

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

Date : 16-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“1. For passing a writ in nature of certiorari or any other writ for the quashing/set aside the order dated 18.09.2020 passed in excise confiscation case no.- 60/2020 by the learned court of the collector cum -District Magistrate, Rohtash (Sasaram) whereby the learned court has pleased to pass the order of confiscation of the vehicle bearing Reg. No. UP65DK-1490, Chesis no-



MAIWA2ES1K2A20950 , Engine no. ESKZA 19745.

i) For passing a writ in nature of mandamus other writ direction commanding the respondent to release and handover possession of Mahindra MARAZ207 STRM2 bearing Registration No. UP65DK-1490 Chesis no. MAIWA2ES1K2A20950 Engine no. ESKZA19746. which has seized in connection with Dianara P.S Case No. 177/19, Rohtas for the offences U/S 30(a) of the Bihar Prohibition and Excise Act-2016.

(ii) For passing a writ in nature of mandamus or any other writ commanding the respondent to stay the further proceeding (auction and purchase) in connection with confiscation case no. 60/2020.

iii) Any other writ or order or direction to which the petitioner is found by this Hon'ble court may kindly be issued."

It is submitted on behalf of counsel for the State that during pendency of this writ petition, final order of confiscation has already been passed by the District Magistrate by which seized vehicle has been confiscated.

It is submitted on behalf of the petitioner that no notice has been served upon the petitioner by the Collector-cum-Confiscating Authority before passing of the final order, as such, there has been violation of natural justice and order has been passed without any valid service of notice upon him. Statement in this regard has been made in para 13 of the writ petition.

Writ petition is disposed of with liberty to petitioner to



file petition for recall of the order passed by the Confiscating Authority and, if, Confiscating Authority on examination of record finds that there has been no valid service of notice upon petitioner, he shall recall the order and pass a fresh order after granting opportunity to the petitioner to file his show cause and pass the final order after hearing all the parties concerned.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

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

