

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15436 of 2021

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Saroj Kumar Bharti son of Sri Mahendra Ravidas, resident of Village-Asarhua, P.O.-Sono, P.S. Charkapathar, Sono, District-Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Purnea.
3. The Superintendent, Excise (Prohibition), Purnea.

... .. Respondent/s

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

Appearance :

For the Petitioner/s : Mr.Anand Kishore Sinha, Adv
For the Respondent/s : Mr.Vivek Prasad (GP7)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)
Date : 14-09-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“For issuance of writ in the nature of certiorari to quash the order dated 22.01.2021 passed by the Collector, Purnea passed in Excise Case No. 348/2020 by which learned collector, Purnea has been pleased to confiscate the seized vehicle, Mahindra Pick-up, registration no. BR-46G-6669 and directed the Superintendent, Excise, Purnea to assure further proceeding under concerned provision of Excise Act and said proceeding of Excise Case No. 348/2020 is closed.

(ii) For issuance of writ in the nature of Mandamus commanding and directing the respondents concerned to release the seized vehicle, Mahindra Pick-up having registration no. BR-46G-6669.

(iii) For declaration and holding that petitioner deserves to get the vehicle in question be released in

favour of the petitioner keeping in mind that earlier said vehicle was looted by same unknown persons and a FIR vide Bibhutipur PS Case No. 234/2020 dated 16.08.2020 was lodged U/S 392 of IPC and thereafter said looted Pick-up Van was illegally used to carry liquor and the impugned case was lodged under Excise Act.”

Petitioner has approached this Court without exhausting the statutory remedy of appeal against the impugned order, as such, petitioner is granted liberty to avail the remedy of appeal against the confiscation order passed by the Confiscating Authority- cum- District Magistrate, before the Appellate Authority and if any such appeal is filed within 8 weeks then appellate authority shall condone the delay in filing the appeal and shall decide the appeal on its own merit preferably within 8 weeks from the date of its filing.

During pendency of appeal, the confiscated vehicle shall not be auction sold, if not already auction sold.

With aforesaid liberty, the writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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