

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19400 of 2021

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Amit Kumar, son of Anand Bihari Prasad @ Anand Bihari, Resident of Village and P.O.-Sagahari, P.S.-Siwaipatti, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Commissioner Excise, Bihar, Patna.
3. The District Magistrate cum Collector, Sheohar.
4. The Superintendent of Police, Sheohar.
5. The S.H.O., Sheohar Police Station, District-Sheohar.
6. The Investigating Officer of Sheohar P.S. Case No. 315/2018, District-Sheohar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jyotsna Rani Mishra, 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 ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 23-12-2021 Petitioner has prayed for the following relief(s):

“(I) For issuance of writ in the nature of certiorari or any other appropriate writ(s), order(s), Direction(s) for quashing the order dated 17.9.2019 passed by District Magistrate cum collector Sheohar in confiscation case no. 72/2019 by which the learned collector was pleased to passed an order to confiscate and take necessary action for auction the Bolero Vehicle bearing



Registration No. BR06PC-7993, Engine No. GHF4B63472 and Chasis no. MAIXA2GHKF5B30123, Which has been seized in connection with Sheohar P.S. Case no 315/202018 dated 31.12.2018 for the offences under section 30(a) of the Excise Act 2016.

(II) For issuance of writ in the nature of Mandamus or any other appropriate writ(s), order(s), Direction(s) to the respondents to release the Bolero Vehicle bearing Registration No. BR06PC-7993, Engine No. GHF4B63472 and Chasis no. MAIXA2GHKF5B30123, Which has been seized in connection with Sheohar P.S. Case no 315/202018 dated 31.12.2018 for the offences under section 30(a) of the Excise Act 2016.

(iii) For issuance of any other appropriate writ(s), order(s), direction(s) for which the petitioner is entitled to in the facts and circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if the petition is disposed of with a direction to the authority concerned to consider and decide the appeal/revision to be filed by the petitioner within a period of four weeks, within a period of three months from the date of its presentation.

Learned counsel for the State states that if the



petitioner prefers an appeal/revision within the time stipulated above, limitation shall not come in the way of its consideration and decision on merits.

Statement accepted and taken on record.

Without expressing any opinion on merits of the claim, petition is disposed of with the liberty aforesaid. All issues on facts and law are left open.

Needless to say that while considering such appeal/revision, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.



Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

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