

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19695 of 2021

Mr. Sumit Kumar Son of Sri Akhilesh Kumar Resident of Village- Sonama,
Sonawan Kothia, P.S.- Didarganj, District- Patna, Bihar- 800009.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Old Secretariat, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The Collector-cum- District Magistrate, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Superintendent of Police, Patna West
6. The Station Head Officer, Danapur Police Station, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Apurv Harsh, Advocate
For the Respondent/s : Mr. Vivek Prasad, GP-7

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-12-2021

Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner has prayed for the following reliefs: -

- (I) For issuance of appropriate writ/order directing the respondent authorities for release of the Maruti Desire Car bearing Registration No. BR01EJ9395 which has been seized by the Police in Danapur (O.P) P.S Case No. 759 of 2020 dated 27.12.2020, Special Case No. 7684/20 pending before the court of Special Judge Excise, Patna, registered for offences punishable under section 30(A), 37(B) of Bihar Prohibition & Excise Act, 2016.
- (II) For issuance of appropriate writ(s), order(s), or direction(s) quashing the order dated 02.09.2021 passed by the Court of Special Judge Excise, Patna under section 451 of Cr.P.C for release of vehicle in connection with Danapur (O.P) P.S Case No. 759 of 2020,



- (III) For issuance of appropriate writ(s), order(s), or direction(s) quashing the order dated 29.06.2021 passed by Senior Deputy Collector Excise, Patna in confiscation case no. 2730/2020-21.
- (IV) For issuance of appropriate writ(s), order(s), or direction(s) directing the Respondent to take no coercive measure against the Petitioner in connection with the P.S. Case No. 759 of 2020 dated 27.12.2020, Spl. Case No. 7684 of 2020 pending before the court of Special Judge Excise, Patna, registered for offences punishable under section 30(A), 37(B) of Bihar Prohibition & Excise Act, 2016.
- (V) For any other relief or reliefs to which the Petitioner is entitled in the facts and circumstances of the case.

Learned counsel appearing on behalf of the petitioner states that the petitioner was not aware of the order passed by the authority, confiscating the property under the provisions of the Bihar Prohibition & Excise Act, 2016. He further states that petitioner be permitted to prefer an appeal and other remedies under the statute, should the need so arise subsequently.

Permission granted.

As such, the petition stands disposed of in the following terms:-

(a) Petitioner is permitted to prefer an appeal within a period of four weeks from today;

(b) In the event of appeal being preferred within a period of four weeks from today, the issue of limitation shall not come in the way of adjudication of the appeal on merits;

(c) Opportunity shall be granted to the parties to place on record all essential documents and materials, if so



required and desired;

(d) Petitioner through learned counsel undertakes to fully cooperate and not take unnecessary adjournment;

(e) The Appellate Authority shall decide the appeal on merits, in compliance of the principles of natural justice;

(f) The Appellate Authority shall pass a reasoned and speaking order, within a period of 30 (thirty) days from the date of filing of the appeal;

(g) Copy of the reasoned and speaking order passed by the Appellate Authority shall be supplied to the parties;

(h) Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law;

(i) 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;

(j) We have not expressed any opinion on merits and all issues are left open;

(k) It shall be open for the petitioner to prefer a petition for revision within the statutory period of limitation and the Revisional Authority shall also decide the same within



the period stipulated in the Statute.

(l) Till such time such proceedings are completed,
status quo as on date shall be maintained.

The instant petition sands disposed of in the
aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

P.K.P./Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	24.12.2021
Transmission Date	

