

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1790 of 2022

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Anish Kumar Son of Binod Prasad, R/Village-Gangachak, Malikana, P.S.-
Masaurhi, Dist-Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Bihar Prohibition and Excise
Act, 2016 and Excise Department, Govt. of Bihar, Patna.
2. The Excise Commissioner, Government of Bihar, Patna.
3. The Collector-cum-District Magistrate, Patna.
4. The Addl. District Magistrate, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Excise Superintendent of Police, Patna.
7. The Excise Inspector, Patna.
8. The Officer In charge Police Bhagwanganj, Police Station, Dist-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nitya Nand Neeraj, Advocate
For the Respondent/s : Mr.Kumar Manish (SC5)

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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 : 22-04-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

- (i) For the issuance of an appropriate writ/ order/ Direction for quash the order dated 31/12/2021 passed in excise Appeal no. 873/2021 by excise commissioner Bihar, Patna in which confirm the order of sr. Deputy collector Patna in confiscation case no. 1930/2021-22 regarding to confiscate the vehicle Scorpio Reg. No. BR01PM-1440.
- (ii) For the issuance of an appropriate write/ order/ direction for quash the order dated 16/09/2021 passed in vehicle confiscate case no. 1930/2021-22 by Sr. Deputy Collector Patna in which Scorpio vehicle Reg. No. BR01PM-1440 has been confiscate regarding to the petitioner.
- (iii) For issuance of an appropriate write/ order/ direction granting any other relief or reliefs for which the petitioner is found entitled under law.

Petitioner has approached this Court without exhausting the statutory remedy of revision against the impugned order, as such, petitioner is granted liberty to avail the remedy of revision against the confiscation order passed by the Confiscating Authority- cum- District Magistrate, before the revisional Authority and if any such revision is filed within 4 weeks then revisional authority shall condone the delay in filing the revision

and shall decide the revision on its own merit preferably within 8 weeks from the date of its filing.

During pendency of revision, the confiscated property/ vehicle shall not be auction sold, if not already auction sold.

OR

Petitioner shall also have option to get his vehicle released on payment of penalty in view of insertion of Rule 12(A) by amending the Bihar Prohibition and Excise Rules, 2021.

The writ petition is disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	