

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8274 of 2022

Rakesh Kumar Son of Kishori Rajak Resident of Mohalla- Purani Bazar, West of Mahila Vidhya Mandir School, Naya Tola, P.S.- Lakhisharai, District-Lakhisharai.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Excise and Prohibition Department, New Secretariat, Government of Bihar, Patna.
2. The Principal Secretary, Excise and Prohibition Department, New Secretariat, Government of Bihar, Patna.
3. The Excise Commissioner State of Bihar, Patna.
4. The District Magistrate Muzaffarpur.
5. The Sub- Divisional Officer West Muzaffarpur.
6. The Senior Superintendent of Police Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar, Advocate
For the Respondent/s : Mr.Vikash Kumar (S.C. 11)

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 : 08-07-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

(A) For quashing of the order dated 14.03.2022, passed in Excise Appeal Case No. 146/2022 (Rakesh Kumar versus The Collector, Muzaffarpur and Ors.) passed by the Learned Commissioner, Excise, Bihar at Patna, by which the learned Commissioner has affirmed the order dated 18.01.2022 passed in Confiscation Case No. 736/2021-2022, with direction

to confiscate the Maruti Suzuki Celerio Car bearing No.BR-06CM-1016, of which the petitioner is registered owner and has further directed to take valuation report of vehicle in question from the Motor Vehicle Inspector, Muzaffarpur and sale the vehicle in open market and sale proceeds money be deposited into the government treasury.

A Certified copy of order dated 14.03.2022 is being annexed herewith and marked as **Annexure-P/1** of the present application.

- 3) For any other relief/reliefs to which the petitioner is found entitled for under the facts and circumstances of the present case.

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 Appellate Authority- cum- Excise Commissioner, 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)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	