

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8347 of 2022

1. Sheo Chand Singh, Son of Late Rameshwar Singh, Residing at Saltee Spacio, Flat F3/31 K.B. Sarani, Mall Road, behind ILS Hospital, P.S. - Dumdum, P.O. - Dumdum, Distt. - Kolkata 700080 (West Bengal).
2. Shambhu Nath Singh Son of Late Rameshwar Singh, Residing at 38, Shambhu Halder Lane, Salkia, P.S. - Malipanchghora, P.O. - Salkia, Distt. - Howrah - 711106 (West Bengal)
3. Anup Singh, Son of Late Rameshwar Singh Residing at 38, Shambhu Halder Lane, Salkia, P.S. - Malipanchghora, P.O. - Salkia, Distt. - Howrah - 711106, (West Bengal)
4. Ram Singh, Son of Late Rameshwar Singh, Residing at 281/14, G.T. Road, Bally (M), Liluah, P.S. and P.O. - Belur, Distt. - Howrah - 711204 (West Bengal).

... .. Petitioner/s

Versus

1. The State of Bihar, through the Additional Chief Secretary, Prohibition, Excise and Registration Department (Excise), Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Nalanda, Biharsharif.
4. The Additional Collector Cum Additional District Magistrate, Nalanda, Biharsharif.
5. The Excise Superintendent, Nalanda, Biharsharif.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Satyendra Rai, 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 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.

Petitioners have prayed for the following relief(s):-

- A.** For quashing of order dated 14.03.2022 passed in Excise Appeal No.141 of 2022 by the Excise Commissioner, Bihar, Patna hereby the appeal preferred by the petitioner against the order dated 24.01.2022 passed by the Additional Collector- cum- additional District Magistrate, Nalanda in Confiscation (Excise) Case no. 267/2021 has been rejected.
- B.** For quashing of the order dated 24.01.2022 passed by the Additional Collector- cum- additional District

Magistrate, Nalanda in Confiscation (Excise) Case no. 267/2021 arising out of Sohsarai P.S. Case no. 79/2021 dated 06.05.2021 whereby the earlier order of confiscation dated 31.08.2021 passed in Confiscation (Excise) Case No. 267/2021 has been maintained and the Garage situated and constructed at Mauja- Lohgani, Thana no. 118, Khata no. 171 measuring area- 01 decimal has been confiscated and other orders have been passed.

- C.** For a direction to the concerned respondent authorities to release the Garage and the land situated at Mauja- Lohgani, Thana no. 118, Khata no. 171 measuring area- 01 decimal which belongs to the petitioner seized and confiscated in connection with Sohsarai P.S. Case no. 79/2021 dated 06.05.2021 vide Confiscation (Excise) Case No. 267/2021.
- D.** For any other relief(s) for which the Petitioners are entitled.

Petitioners have approached this Court without exhausting the statutory remedy of revision against the impugned order, as such, petitioners are granted liberty to avail the remedy of revision against the appellate 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

In view of amendment in the Excise Act, and same being applicable in pending case, it shall be open for the petitioners to get their garage/premises unsealed after making payment of penalty in terms of Rule 12(B) inserted by amending Bihar Prohibition and Excise Rules, 2021.

With aforesaid observation and direction, the writ petition stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	