

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9056 of 2022

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Ranjeet Chaudhary Son of Late Mohan Chaudhary Resident of Village-
Chhajan Kothi, Pul, P.S.- Kudhni (Turki O.P.), District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Old Secretariat, Patna.
2. The Additional Chief Secretary Bihar, Patna.
3. The Excise Commissioner Vikas Bhawan, Bihar, Patna.
4. The Deputy Collector Land Reforms, East, Mazaffarpur.
5. The Superintendent of Police Muzaffarpur.
6. The Superintendent of Prohibition Muzaffarpur.
7. The S.I. Kazimohammadpur Police Station Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh, Advocate
For the Respondent/s : Mr.Vivek Prasad (GP-7)

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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 : 08-07-2022

Heard learned counsel for the parties.

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

- (i) To issue an appropriate Writ for order/orders for setting aside the order, dated 18.12.2021 passed in Confiscation Case No. 23 of 2021-22 by learned Deputy Collector, Land Reforms, East Muzaffarpur.
- (ii) To Issue an appropriate order or direction or writ for quashing the appellate order dated 25.03.2022 passed in Appeal No. 185 of 2022 by the Commissioner Excise, Bihar, Patna whereby and where in the order passed by the learned Deputy Collector Land Reforms, East, Muzaffarpur dated 18.12.2021 confiscating the motorcycle Apache of the petitioner has been upheld.
- (iii) To grant any other relief(s) for which the petitioner may be entitle to in the given facts and circumstances of the 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 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)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	