

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13390 of 2022

Sanjay Yadav S/o Kishori Yadav, Resident of Village- Chargaha, Ward No. 09,
P.O. Laxmipur, P.S. Sirisia O.P. District- West Champaran.... .. Petitioner/s
Versus

1. The State of Bihar through Principal Secretary Excise Department,
Government of Bihar, Patna.
 2. The District Magistrate-cum-Collector, Motihari, East Champaran.
 3. The Senior Superintendent of Police, Motihari, East Champaran.
 4. The Sub Inspector Excise, Chalisnu Dal, Motihari, East Champaran.
- Respondent/s

Appearance :

For the Petitioner/s : Mr.Ram Kishun Prasad, Advocate
For the Respondent/s : Mr.Vikash Kumar (SC11)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

**(The proceedings of the Court are being conducted through
Video Conferencing and the Advocates joined the proceedings
through Video Conferencing from their residence.)**

Date : 16-09-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

- (i) For directing the concerned respondent to release the
Bolero jeep having Registration No- BR-24P-
1277,Engine No-GA64D13618,Chasis No-MAI-
XC2GAK62D-27912 in favour of the petitioner
arising out of Anchal Exeise Case no- 48/21,Motihari
East Champaran, whereby and where under the
Confiscation Proceeding has been initiated vide

Confiscation (Excise) case No-75/21 and the said vehicle is lying in open space of the Anchal office, Excise, Motihari, East Champaran since 27.01.2021 as it was seized for the offences under section 30(a) of the Bihar Prohibition and Excise Act 2016.

- (ii) Further to release the vehicle as per new amended Act after imposing minimum fine.
- (iii) For other necessary relief/reliefs for which the petitioner may be found entitled in the facts and circumstances of the case.

Learned counsel for the petitioner further submits that confiscation proceeding was initiated by respondent being confiscation (Excise) Case No.75/21, which is pending and final order has not been passed.

In said view of the matter, the District Collector/Confiscating authority, Motihari, East Champaran is directed to conclude the confiscation proceeding within 90 days from the date of filing of show cause by the petitioner, if not already filed or within 90 days if the show cause has been filed from the date of receipt/production of a copy of order passed by this Court, failing which, the vehicle of the petitioner shall be provisionally released till conclusion of confiscating proceeding and possession to be handed over to the petitioner, on furnishing

adequate sureties and undertaking to the satisfaction of District Collector / Confiscating Authority, Motihari, East Champaran.

It is submitted by learned counsel for the State that during pendency of writ petition, there has been amendment in the Bihar Prohibition and Excise Rules, 2021 and a new Rule 12(A) and 57(B) has been inserted.

In said view of the matter, the writ petition is disposed of with liberty to the petitioner to avail the remedy of the amended provision of 12(A) and 57B of the Bihar Prohibition & Excise (Amendment) Rules, 2022. It is made clear that this Court has not expressed any opinion with respect to merit of the case.

Equally, liberty reserved to petitioner owner to approach this Court for same and subsequent cause of action, if so arises.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.09.2022
Transmission Date	NA