

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13699 of 2022

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Ifatekhar Ahamad Son of Issrar Ahamad, Resident of Village Mirzapur, P.S.- Ladniya,
District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Bihar, Patna.
2. The Commissioner, Excise Prohibition Patna.
3. The Collector, Madhubani.
4. The Superintendent of Police Bhabua, Madhubani.
5. The Station House Officer Inspector, Babubarhi Police Station, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti, Advocate
For the Respondent/s : Mr. Kumar Manish (S.C. 5)

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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 : 16-09-2022

Heard learned counsel for the parties.

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

- I. That the present writ application is being filed For issuance of a writ in the nature of Mandamus or any other appropriate writ, order or direction, directing the respondents to release the VENUE car bearing registration no. BR-32AF/0258 Engine No. G4LALM559240, Chassis No. MALFC81BLLM093150 in favor of the owner/petitioner, which has been seized in connection with BABUBARHI P.S. Case No. 90 of 2021 registered for the offense under section 272/273/279 of I.P.C. and 30 (a) of Bihar Prohibition and Excise Amendment Act, 2018 and the same is lying in Babubarhi Police Station Campus, District - Madhubani under open sky and is deteriorating day by day.

II. For issuance of any other relief or reliefs for which the petitioner is found entitled to.

Petitioner has approached this Court without availing the statutory remedy of revision against the impugned appellate order, as such, liberty is granted to petitioner to file revision against the appellate order before the Revisional Authority and if any such Revision is filed within 4 weeks, then Revisional Authority shall decide the revision petition preferably within 8 weeks from the date of its filing on its own merit.

During pendency of revision petition, confiscated property / vehicle shall not be auction sold.

In view of amendment in the Excise Act, and same being applicable in pending cases, it shall be open for the petitioner to get his/her vehicle released after making payment of penalty in terms of Rule 12(A) and 57(B) inserted by amending Bihar Prohibition and Excise Rules, 2021.

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

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	