

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13955 of 2022

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Syed Abu Ekram S/o Syed Sahbuddin resident of Village-Hasanrai, P.O.-
Dargahbela, P.S.-Baligaun, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Superintendent of Police (Excise Deptt.), Samastipur.
4. The Officer-in-Charge, Excise, P.S. Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Niraj Lochan Jha, Advocate
For the Respondent/s : Mr.Vivek Prasad (G.P.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 : 16-09-2022

Heard learned counsel for the parties.

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

1. That the petitioner craves for the indulgence of this
Hon'ble High Court for the issuance of appropriate writ-
writs, order, direction-directions against opposite party
for releasing of truck.

- (a) For directing the opposite parties to release the petitioner Truck bearing registration number WB19F/9103 which is seized by Samastipur Excise police in Samastipur Excise Case No. 375/20.
- (b) For issuance of appropriate Writ(s) order(s) direction(s) the opposite party to make proper arrangement for safe custody of the said Truck of petitioner which is kept under the premises of Samastipur Excise Police Station.
- (c) For any other relief/reliefs for which the petition is found entitled in the eye of law.

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/her vehicle released on payment of penalty in view of insertion of Rule 12(A) by amending the Bihar Prohibition and Excise Rules, 2021.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	