

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.65 of 2022

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Uday Narayan Tiwary, Son of Late Ram Chandra Tiwary R/o - 128/350,
Shankaracharya Ngar, Kidwainagar, Kanpur, Police Station - Naubatpur,
Kanpur Nagar, District- Kanpur, State - Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar through the Excise Commissioner, Excise Department,
Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. District Magistrate, Begusarai.
4. Deputy Collector, Land Reform, Begusarai.
5. The Excise Superintendent, Begusarai.
6. The Motor Vehicle Inspector, Begusarai.
7. The Superintendent of Police, Begusarai.
8. S.H.O., Barauni (Zero Mile), Police Station - Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Krishna Nand Jha, Advocate
For the Respondent/s : Mr.Vikash Kumar (Sc11)

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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 : 01-04-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

1. That this is an application for issuance of an appropriate writ in the nature of writ of Certiorari to quash the order dated 16/08/2021 passed by deputy Collector, Land Reform, Begusarai in Confiscation (Excise) Case No. 160 of 2020, arising out of Barauni Zero Mile P.S. Case No. -257/2020, dated 16/07/2020 registered for the offence under section 30(a), 41(1) (2) of Bihar Prohibition and Excise (Amendment) Act 2018, whereby and whereunder he had passed the order confiscating the seized vehicle truck of the petitioner bearing registration no. UP 78FN 6353 having chasis no. MEC0774CMJP033423, Engine No. 400924D0020504 and directed to the Motor Vehicle Inspector / SHO, Barauni Zero Mile Police Station, Begusarai to confiscate the said truck registration no. UP 78FN 6353 seized in Barauni (Zero Mile) P.S. Case No. - 257/2020, and further prayed to issue a direction to the respondents to hand over the said confiscating truck to the petitioner.

Petitioner has approached this Court without exhausting the statutory remedy of appeal against the impugned order, as

such, petitioner is granted liberty to avail the remedy of appeal against the confiscation order passed by the Confiscating Authority- cum- District Magistrate, before the Appellate Authority and if any such appeal is filed within 4 weeks then appellate authority shall condone the delay in filing the appeal and shall decide the appeal on its own merit preferably within 8 weeks from the date of its filing.

During pendency of appeal, the confiscated property/ vehicle shall not be auction sold, if not already auction sold.

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)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.04.2022
Transmission Date	NA