

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1490 of 2023

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Bhupendra Priyedarshi Son of Late Birendra Prasad Sinha, resident of
mohalla - VidayaPati Nagar, ward No. 16, Saharsa, Police Station - Saharsa,
District - Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. Additional Chief Secretary, Excise Department, Patna, Bihar.
3. The Excise Commissioner, Department of Excise, Patna, Bihar.
4. The Collector cum District Magistrate, Saharsa.
5. The Superintendent of Police, Excise, Saharsa.
6. The Circle Officer, Saharsa.
7. The Station House Officer, Saharsa.
8. The Executive Engineer, Building Construction Department, District -
Saharsa.
9. Registrar/Sub-Registrar, District Sub-Registry office/Registry Office,
Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 02-02-2023 Heard learned counsel for the parties.

The petitioner has prayed for the following relief(s):-

“(i) To set a side the order dated 14.10.2022 passed in
Excise Revision Case No. 209 of 2022 by the
Additional Chief Secretary, Department of Excise
(Respondent No. 2) by which order of the appellate
authority, Excise Commissioner, Bihar Patna
(Respondent No. 3) dated 8.8.2022 passed in Excise



Appeal No. 437 of 2022 as well as order dated 26.3.2021 passed by the collector Saharsa (Respondent No. 4) in Excise confiscation case No. 776 of 21-2022 arising out of Sadar Saharsa P.S Case No. 604 of 2021 and same has been confirmed by the appellate authority by which two different rooms of two different rented flats of the petitioner has been confiscated and directed the S.P. Excise, Saharsa (Respondent No. 5) to put in auction sale and further directed to deposit the sale amount in Govt. treasury but still auction sale is pending for process.

(ii) After set a side the aforesaid orders, a direction be given to the respondent authorities to release the two different rooms of two different flats of the petitioner which has been sealed after seizing on payment of penalty accordance with law in terms of section 57B of Bihar Prohibition and Excise Act 2016 (and its amended Act 2022) herein after referred as to Act 2016.

(iii) An operation of the order dated 14.10.2022 passed in Excise Revision Case No. 209 of 2022 (Annexure - 7) may kindly stayed till the disposal of this writ application..

(iv) Any other relief / reliefs be granted to the petitioner as so entitled in the eye of law.”

Against the order dated 26.03.2021 passed in Excise Confiscation Case no. 776 of 2021-22 (arising out of Sadar Saharsa P.S. Case no. 604 of 2021) by the Collector, Saharsa (Respondent no. 4), the Excise Appeal no. 437 of 2022 preferred by the petitioner was rejected by order dated



08.08.2022. Thereafter the excise Revision Case no. 209 of 2022 preferred by the petitioner was rejected vide order dated 14.10.2022 passed by the Additional Chief Secretary, Department of Excise (Respondent no. 2).

The writ petition is disposed of with liberty to the petitioner to avail the remedy of the amended provisions in terms of Rule 12(B) and Rule 57B of the Bihar Prohibition & Excise (Amendment) Rules, 2022.

It is made clear that this Court has not expressed any opinion with respect to the merits of the case.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

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