

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1885 of 2023

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Braj Kishor Sahni @ Brij Kishor Sahni, Son of Mahendra Sahni, Resident of
Village- Dewanibari, Ward No.- 2, Pakridayal, P.O. and P.S.- Pakridayal,
District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Commissioner, Excise, Bihar, Patna.
3. The District Magistrate cum Collector, Sheohar.
4. The Superintendent of Police, Sheohar.
5. The Excise Superintendent, Sheohar.
6. The S.H.O., Shyampur, Bhataha, Sheohar.
7. The Investigating Officer of Shyampur, Bhataha, Sheohar P.S. Case No.-
198/2020, District- Sheohar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Respondent/s : Mr. Vivek Prasad (GP-7)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-04-2023

The petitioner is concerned with the seizure and
confiscation of Mahindra Bolero vehicle SLX 7STR bearing
Registration No. BR05H 5796, Chassis No. MA 1PS
2GPKE5L56703, Engine No. GPE4L80387, seized in
connection with Shyampur Bhataha P.S. Case No. 198/2020
dated 10.11.2020, registered under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016. The FIR is produced as



Annexure-1 and the Registration Certificate is produced as Annexure-2, which indicates that the petitioner is the owner of the vehicle. The Collector, Sheohar proceeded with the confiscation proceedings as Excise Case No. 367 of 2020 and passed Annexure-3 order, against which an appeal was filed in which a remand was made as per Annexure-4 order. The Collector again passed a confiscation order as seen from Annexure-5.

There are appellate and revisional remedies available from the order, but the petitioner has chosen to come to this Court with a writ petition under Article 226. We are not inclined to invoke the extraordinary remedy to interfere with the confiscation order passed. However, even if the order is confirmed in appeal and revision, the owner of the vehicle has a remedy to pay 50% of the insured value and get release of the vehicle, as is seen from Section 57B of the Act read with Rule 12A of the Bihar Prohibition and Excise Rules, 2021. In such circumstances, if the petitioner offers to pay 50% of the insured amount of the vehicle by an application filed within two weeks, the Collector shall determine the insured value within a further period of two weeks and intimate the same to the petitioner. The petitioner, if he deposits the 50% of the insured value within a



further period of two weeks then the vehicle shall be released to him.

The above directions shall have effect only if the vehicle is not sold in auction or otherwise disposed off, till date.

With the above liberty, the writ petition is disposed of.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

Anjani/Anushka

AFR/NAFR	
CAV DATE	
Uploading Date	13.04.2023
Transmission Date	

