

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13666 of 2021

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Chanderjot Singh Dhillon S/o Ram Singh Dhillon Resident of Main Bazar,
Paontasahib, House No. 44, P.S.- Palampur, District- Sirmour (Himachal
Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar Through its Additional Principal Secretary, Registration
Excise and Prohibition Department, New Secretariat Bihar, Patna.
2. The Excise Commissioner Appellate Authority Bihar Prohibition and Excise
Department, New Secretariat Bihar, Patna.
3. The District Collector Gopalganj.
4. The Superintendent of Police Gopalganj.
5. The S.H.O. Government Official Complaint Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Advocate
For the Respondent/s : Mr.Vikash Kumar (SC-11)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-04-2023

1. The petitioner is aggrieved with seizure of his vehicle, a
Truck bearing Registration No. HP17E6890, Chassis No.
MBINACHDIJAEH8927, Engine No. JFHZ411090 in Excise Case No.
204 of 2019. In fact, the case was registered under the Bihar Prohibition
and Excise Act, 2016 (hereinafter referred to as 'Act') for reason of
recovery of 8847 litres of IMFL from the Truck.

2. The confiscation was passed on 17.02.2020. The appeal
and revision also failed as is seen from Annexure 3 and 4 respectively.

3. The petitioner is before us claiming that the vehicle was
leased out to another person and he is not responsible for the transport of



contraband.

4. Whether the vehicle was leased out or not, the crime was registered on detention of the vehicle and seizure of contraband, as per the Act. There is no procedural irregularity which enables us to interfere with the orders passed by the confiscating authority, which is affirmed in appeal and revision; under judicial review.

5. In the above circumstances, we can only leave the petitioner to the remedy available under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 to approach the District Collector (Respondent No. 3) with a certified copy of this judgment and the District Collector shall look into the files and decide on release under Rule 12A on payment of penalty if the vehicle has not already been auctioned or transferred and is still remaining in the custody of the State.

6. Writ petition is disposed of.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Sumit/Shashank-

AFR/NAFR	NAFR
CAV DATE	NA
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