

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9134 of 2023

Uday Kumar Sinha son of Ram Swarath Sinha, Resident of BL/162, Basanti Colony, Rourkela, P.S.-Uditnagar, District-Sundergarh, Odisha-769012.

... .. Petitioner/s

Versus

1. The State of Bihar The Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Excise Department, Govt. of Bihar, Patna.
3. The Commissioner of Excise, Govt. of Bihar, Patna.
4. The District Magistrate Aurangabad, Bihar.
5. The Senior Addl. Collector cum Presiding Officer, Aurangabad
6. The Superintendent of Police, Aurangabad, Bihar.
7. The S.H.O. P.S. -Barun, Aurangabad, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rupa Kumari
For the Respondent/s : Mr.Kumar Manish (Sc5)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

2 20-07-2023

1. Instant petition has been filed for following reliefs:

“That this is an application for issuance of a writ in nature of certiorari for setting aside the order dated 06.01.2023 passed in Excise Revision no. - 233/2022 passed by respondent no. 2 by which the revision petition filed by the petitioner has rejected and learned respondent no. - 2 has confirmed the order dated 12.09.2022 passed by respondent No.-3 and also to set aside the order dated 12.09.2022 passed by respondent no.-3 in excise appeal no. - 469/2022 by which the learned respondent no. -3



has confirmed the order dated 24.05.2022 passed by respondent no.-5 and rejected the excise appeal case filed by the petitioner and also to set aside the order dated 24.05.2022 passed in confiscation case no. 28/2022 by respondent no. -5 by which the respondent no. -5 has directed the petitioner to deposit 50% amount of truck in question i.e. truck bearing registration number OD - 14S-1777, Chasis no.- MB1TRKHD9KPGJ2984, Engine no. - KGPZ111444 and/ or pass any other order/ orders/ direction which may deems fit in the facts and circumstances of the case.

2. The concerned authority–Collector is hereby directed to examine the grievance of the petitioner whether he is entitled for release of the vehicle in question or not in the light of Rule 12(A) of the Bihar Prohibition and Excise Rules, 2021 as amended from time to time till date, including the Bihar Prohibition and Excise (Amendment) Rules, 2023, dated 31st of May, 2023.

The writ petition stands disposed of accordingly.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

skm/-

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