

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10866 of 2023

Diwakar Prasad Jaishwal @ Diwakar Jaiswal Son of Late Bhishan Chaudhary,
Resident of Village- Deoria Mehdiganj, Police Station- Deoria, District-
Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Excise,
Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Excise, Bihar, Patna.
3. The Excise Commissioner, Bihar, Patna.
4. The Collector, Muzaffarpur.
5. The Additional Collector-cum-Additional District Magistrate, Muzaffarpur.
6. The Superintendent of Police, Muzaffarpur.
7. The Prosecution Officer, Excise Raiding Party-I, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar, Advocate
For the Respondent/s : Mr. Kumar Pankaj, AC to SC-5

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

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

4 06-09-2023 In the instant writ petition, the petitioner has prayed for
the following relief(s):-

*“I. For issuance a writ in the nature of
certiorari for quashing of the order dated
06.01.2023 passed by the Learned
Additional Chief Secretary, Bihar, Patna
(Respondent No.2) passed in Excise
Revision No 232of 2022 by which the
Learned Additional Chief Secretary has
been pleased to dismissed the said revision
application with regard to release a Truck
bearing Reg.No.BR06GD-4868 of the*



petitioner.

II. For also setting aside order dated 13.09.2022 passed by the Excise Commissioner, Bihar, Patna in Excise Appeal No.471 of 2022 by which he has dismissed the appeal against the order dated 25.4.2022 passed in Confiscation Excise Case No.140/2021- 22 arising out of Excise P.S.Case No.477/2021, P.R.No.79/2021 instituted for the offence Under Section 30(a)/32(3) of Bihar Prohibition and Excise Act, 2016 passed by the Learned Additional Collector-cum-Additional District Magistrate, Muzaffarpur was pleased to passed the order of Confiscation of the Truck bearing Reg. No. BRO6GD-4868 of the petitioner.

III. Further pray to grant of and any other relief/s order/s, direction/s, for which the petitioner entitled to be also given.”

02. Learned counsel for the petitioner, on instruction, submitted that petitioner is ready to pay the penalty and get released the subject matter of Truck bearing Registration no. BR-06 GD-4868.

03. In this regard, the petitioner is at liberty to file an application/representation in prescribed Form-IV under Rule 12(A) of the Bihar Prohibition and Excise Rules, 2021 within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the concerned authority is hereby directed to examine the petitioner's grievance and redress the same in the



light of Rule 12(A) of the Bihar Prohibition and Excise Rules, 2021 within a period four weeks from the date of receipt of the petitioner's representation/application.

04. The concerned authority is also hereby directed not to dispose of the subject matter of vehicle in an auction proceeding till decision is taken by the competent authority under Rule 12(A) of the Bihar Prohibition and Excise Rules, 2021, if it is not auctioned as on this day.

05. Accordingly, the present M.J.C. stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Ashish/-
Balmukund/-

U			
---	--	--	--

