

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10203 of 2023

Sanjeev Kumar Son of Late Pawan Kumar Jha, R/o Village-Laxmipur, Turki,
P.S.-Kurhani, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Prohibition Excise and Registration Department, Government of Bihar.
2. The Excise Commissioner, Prohibition Excise and Registration Department, Government of Bihar.
3. The District Magistrate, Muzaffarpur.
4. The Confiscating Officer cum Addl. Collector, Disaster Management, Muzaffarpur.
5. The Superintendent of Police, Muzaffarpur.
6. The SHO, Kurhani Police Station, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mrityunjay Kumar
For the Respondent/s	:	Ms. Manisha Sinha, AC to GP-7 Mr. Vivek Prasad (GP- 7)

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

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

2 01-08-2023 In the instant petition, petitioner has prayed for the
following relief :

“ i. For issuing direction to the Respondent
No. 2 and 4 taking into kind consideration by virtue of
newly amended Rule of Bihar Excise and Prohibition
(Amended), Rule, 2023 duly issued Act No. 11/Excise
Policy-01-03/2021/3671 dated 31 May, 2023,
Published vide Bihar Gazette No. 449 dated
31/05/2023 against the concurrent orders of Ld.
Appellate Court, Patna and Ld. ADM Court,



Muzaffarpur, ordered for confiscation of the Vehicle (Regd. No. BR 06PC-7498; Recovery of 29.280 Litters IMFL, Driving by the Driver of the Petitioner) may be released as per amended rule in favour of the Petitioner.

ii. For setting aside of Orders dated 08/06/2023 passed in Appeal Case No. 60/2023 passed by Ld. Court of Excise Commissioner, Govt. of Bihar and order dated 10/04/2023 passed by the Addl. Collector, Disaster Management, Muzaffarpur in the Excise Confiscation Case (Case) No.28/2022-23 respectively by which the Mahindra Scorpio vehicle of the Petitioner bearing Regd. No. BR 06PC-7498 has been ordered to confiscate and the said order upheld by the Appellate court order above mentioned.

iii) For issuing a direction upon the respondent No 2 and 4 to release the Scorpio bearing Registration No. BR06PC-7498, Chassis no. MAITA2TDKF5J17286 and Engine No. TDF4J77424 in favour of the petitioner which was seized in connection with Confiscation Case No. 28/2022-23 arising out of Kudhani P.S. Case No. 495 of 2022 under Bihar Prohibition and Excise Act, 2018.

iv) For issuance of appropriate Writ/Writs, Order/Orders, direction/directions as may be deemed fit and proper.”

2. Perusal of the records, it is evident that the petitioner has suffered order before the Confiscating Authority and thereafter before Appellate Authority. He has a remedy of



revision before the State Government under Section 93 of the Bihar Prohibition and Excise Act, 2016 and the same has not been exhausted. Therefore, the petitioner is at liberty to invoke Revision Petition before the Revisional Authority. The Revisional Authority is hereby directed to examine whether the petitioner is entitled to any interim relief during pendency of the Revision Petition or not? Such decision shall be taken by the concerned Revisional Authority and proceed to pass an interim order either granting or rejecting while assigning reasons within a period of two weeks from the date of receipt of the petitioner's Revision Petition.

3. With the above observation, the Writ Petition is disposed of.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

Skm/chandan/-

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