

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.1254 of 2022**

Arising Out of PS. Case No.-2 Year-2022 Thana- MASAUDHI District- Patna

Indrajeet Kumar Son of Ganauri Paswan Resident of Saichak, P.O. and P.S.-  
Beur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Prohibition Excise and Registration Department (Excise), Government of Bihar, Patna.
2. The Excise Commissioner, Prohibition Excise and Registration Department (Excise), Government of Bihar, Patna.
3. The Joint Secretary, Prohibition Excise and Registration Department (Excise), Government of Bihar, Patna.
4. The District Magistrate cum Collector, District - Patna. Bihar
5. The Senior Superintendent of Police (SSP), Patna. Bihar
6. The Excise Superintendent, District - Patna. Bihar
7. The SHO, Masaurhi Police Station, Patna. Bihar

... .. Respondent/s

**Appearance :**

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|----------------------|---|-------------------------------|
| For the Petitioner/s | : | Mr. Rajesh Kumar Sharma, Adv. |
| For the Respondent/s | : | Mr. Kumar Manish, APP         |

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**

**ORAL JUDGMENT**

**Date : 17-03-2023**

Let the defect(s), if any, be removed within 2 weeks.

Learned counsel for the petitioner and learned A.P.P. for the State present.

The writ application has been filed to quash/set aside the order dated 01.08.2022 passed by the Addl. Chief Secretary, Prohibition Excise & Registration Department (Excise), Government of Bihar, Patna by which the Excise Appeal No.394 of 2022 passed by Excise Commissioner has been affirmed and by the said order, the order of confiscation case has been approved in which Pick-Up van model Bolero has

been confiscated.

Counsel for the petitioner submits that as per his knowledge, the vehicle was already auction sold.

Counsel for the State has also filed counter-affidavit in this case and submitted that vehicle has been auction sold in this case and there are consistent finding of 3 Courts namely, Confiscation Court, Appellate Court and Revisional Court. The question of any illegality has not been raised by the counsel for petitioner except that the recovery of a very small quantity has been made from the said vehicle. Under the statute, initiation of confiscation proceeding is a necessity, independent from quantity of recovery of excise material from the vehicle. This Court is not inclined to interfere in the orders passed by Addl. Chief Secretary.

In this view of the matter, this Cr. WJC is hereby dismissed.

**(Dr. Anshuman, J.)**

prakashmani/-

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