

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19757 of 2021

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Mahendra Sah, Son of Jaggan Sah, Resident of Babu Bagicha Mansi, Police Station - Mansi, District - Khagaria, Owner of the seized vehicle.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The Additional Chief Secretary, Government of Bihar, Patna.
3. The Excise Commissioner, Government of Bihar, Patna.
4. The Senior Deputy Collector, Bhagalpur.
5. The Superintendent of Police, Bhagalpur.
6. The Station House Officer, Kotwali (Jogsar), Bhagalpur.
7. The Superintendent of Excise, Bhagalpur,

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Tiwary, Advocate
For the Respondent/s : Mr.Vivek Prasad, GP-7.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-04-2023

Heard learned counsel for the petitioner and
learned counsel for the State.

2. The writ petition has been filed seeking
quashing of the order dated 12.04.2021, as contained in
Annexure-3 to the writ petition, passed by the Confiscating
Authority whereby and whereunder the 'Jeep Commander'
vehicle bearing Registration No. BR-34P-0766, Engine No.



GG81154074 and Chasis No. MA1CA2GGK81L56481, seized in connection with Kotwali (Jogsar) P.S. Case No. 07 of 2020, dated 04.01.2020, for the offences under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act') has been confiscated.

3. The order dated 10.09.2021, as contained in Annexure-4 to the writ petition, passed by the Appellate Authority (Excise Commissioner, Bhagalpur) in Excise Appeal No. 502 of 2021, affirming the order of confiscation, as well as the order dated 26.10.2021 (Annexure-5), passed in Excise Revision Case No. 200 of 2021 by the Additional Chief Secretary, Government of Bihar, Patna, has also been assailed. It is not in dispute that confiscation of the vehicle in-question has attained finality before the Original/ Appellate/ Revisional Authority under the Act.

4. In the circumstances, learned counsel for the State submits that the only remedy available to the petitioner, now is for release of the vehicle, upon payment of penalty, as per Section 57(B) of the Act read with 12(A) of the Bihar Prohibition and Excise Rules, 2021.

5. Learned counsel for the petitioner has not raised any procedural infirmity or any jurisdictional error in the



orders passed by the Authorities in the confiscation proceedings, appellate proceedings or revisional order. It is trite law that the Court, while exercising jurisdiction under Article 226 of the Constitution of India, confines its review to the decision making process, and does not sit in appeal over the order under judicial review. The Court would, thus, refrain from considering the impugned orders passed by the Authorities on its merits.

6. The writ petition is, thus, disposed of with liberty to the petitioner to avail his statutory remedy, as noted above, if vehicle in-question has not been auction sold or otherwise disposed of in terms of the statutory provisions.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Sujit/Aditya

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	13.04.2023
Transmission Date	

