

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2056 of 2022

In
Civil Writ Jurisdiction Case No.19695 of 2021

Mr. Sumit Kumar S/o Akhilesh Kumar, R/o - Sonawa, P.O. - Kothiya, P.S. -
Didarganj, Dist. - Patna, Bihar - 800009.

... .. Petitioner/s

Versus

1. The State of Bihar through Shri K.K. Pathak Additional Chief Secretary,
Excise Department, Govt. of Bihar, Patna.
2. Kumar Ravi, Divisional Commissioner, Patna Division, Patna.
3. Dr. Chandrashekhar Singh, Collector cum District Magistrate, Patna.
4. Manavjeet Singh Dhillon, Senior Superintendent of Police, Patna.
5. Rajesh Kumar, Superintendent of Police, Patna West.
6. Kamaleshwar Prasad Singh, S.H.O. Danapur P.S., Patna.
7. B. Kartikey Dhanji, Excise Commissioner, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Monu Tripurari, Advocate Mr. Apurv Harsh, Advocate Mr. Sujit Kumar, Advocate Mr. Prashant Bhardwaj, Advocate Mr. Raghu Raj Pratap, Advocate Ms. Mahima Sharma, Advocate
For the State	:	Mr. Vivek Prasad (GP 7) Ms. Supragya, Advocate Mr. Sarjug, Advocate Ms. Roona, Advocate Mrs. Manisha Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 31-10-2023

The present MJC-contempt petition is filed for non-compliance of the order dated 23.12.2021 passed in CWJC No. 19695 of 2021. It is necessary to produce the relevant portion of



the order dated 23.12.2021 passed in CWJC No. 19695 of 2021.

Extract of the order reads as under:-

"As such, the petition stands disposed of in the following terms:-

(a) Petitioner is permitted to prefer an appeal within a period of four weeks from today;

(b) In the event of appeal being preferred within a period of four weeks from today, the issue of limitation shall not come in the way of adjudication of the appeal on merits;

(c) Opportunity shall be granted to the parties to place on record all essential documents and materials, if so required and desired;

(d) Petitioner through learned counsel undertakes to fully cooperate and not take unnecessary adjournment;

(e) The Appellate Authority shall decide the appeal on merits, in compliance of the principles of natural justice;

(f) The Appellate Authority shall pass a reasoned and speaking order, within a period of 30 (thirty) days from the date of filing of the appeal;

(g) Copy of the reasoned and speaking order passed by the Appellate Authority shall be supplied to the parties;



(h) Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law;

(i) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(j) We have not expressed any opinion on merits and all issues are left open;

(k) It shall be open for the petitioner to prefer a petition for revision within the statutory period of limitation and the Revisional Authority shall also decide the same within the period stipulated in the Statute.

(l) Till such time such proceedings are completed, status quo as on date shall be maintained.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of."

2. In the light of the aforementioned directions, we have noticed that confiscation proceedings have attained finality on 29.06.2021 whereas appellate authority's order was passed on 03.06.2022. Appellate authority order dated 03.06.2022 was



communicated to the petitioner on 01.07.2022 and subject matter of vehicle was auctioned on 12.07.2022. In terms of orders of this Court cited supra para (k) and (l) auctioning authority should have waited ninety days from the date of appellate authority's order communication dated 01.07.2022 so as to enable the petitioner to prefer Revision. On the other hand, within eleven days subject matter of vehicle has been disposed of in the form of auction proceedings. Further, it is to be noted that appellate authority's order stipulate that petitioner was required to deposit 50% of the insured value, within fifteen days. If fifteen days is taken into consideration w.e.f. 03.06.2022 it would be on or before 18.06.2022. The appellate authority's order dated 03.06.2022 was communicated to the petitioner on 01.07.2022. Therefore, petitioner had time limit till 16.07.2022. Before the aforementioned period, the respondents have proceeded to auction the subject matter of motor vehicle on 12.07.2022, i.e. before completion of fifteen days from the date of receipt of appellate authority's order on 01.07.2022. Therefore, the concerned respondents have committed contempt of Court.

3. Learned counsel for the respondents submitted that there is no contempt committed by the official respondents since appellate authority's order is dated 03.06.2022 and petitioner has



failed to furnish 50% of the insured value within fifteen days. Further, it is submitted that petitioner has preferred SLP (Civil) Diary No(s). 6212 of 2023 which is pending consideration before the Hon'ble Apex Court.

4. Learned counsel for the petitioner submitted that filing SLP is in respect of criminal vicarious liability and not in respect of any portion of the order dated 23.12.2021 passed in CWJC No. 19695 of 2021.

5. That apart, the State have not apprised this Court order of the appellate authority dated 03.06.2022 was served well within the fifteen days prior to auction proceedings read with ninety days in filing revision petition. Therefore, the concerned respondents have committed contempt of Court in disobeying the orders of this Court dated 23.12.2021 passed in CWJC No. 19695 of 2021. However, instead of initiating contempt of Court proceedings like framing of charge and the fact that subject matter of motor vehicle was already auctioned on 12.07.2022 and we are in the month of October, 2023. Therefore, it will be suffice to impose cost on the official respondents and the same is quantified @ Rs. 50,000/- (Fifty Thousand). Cost shall be paid to the petitioner within a period of four weeks from the date of receipt of this order. Accordingly, the present proceeding of MJC-contempt



petition stands dropped reserving liberty to the petitioner to take appropriate action insofar as any illegalities in the auction and other proceedings.

6. With the aforesaid observations, the present MJC-contempt petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/.A

