

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.758 of 2023

Vijay Paswan son of Late Shiv Paswan, Resident of Village- Kamtaulia, P.S.-
Vaishali, Dist- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Prohibition
Excise Department, Old Secretariat Building, Patna, Bihar.
2. The Commissioner, Department of Excise, Bihar at Patna.
3. District Magistrate, Dist- Vaishali at Hajipur.
4. Senior Superintendent of Police, Dist.- Vaishali at Hajipur.
5. Additional Collector, Dist- Vaishali at Hajipur.
6. S.H.O. Vaishali, P.S. Dist- Vaishali at Hajipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate
For the Respondent/s : Mr.Kumar Manish (SC 5)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-02-2023

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

Petitioner has prayed for the following reliefs: -

- “(i) For setting aside the order dated 24.06.2022 passed in
Excise Revision Case no. 137/2022 whereby the
learned Additional Chief Secretary (Respondent no.-1)
has dismissed the revision of the petitioner and further
affirmed order passed by the learned Excise
Commissioner (Respondent no.-2) in Excise Appeal
no. 72 of 2022.
- (ii) For setting aside/revise the order dated 11.02.2022
whereby the learned Commissioner (Respondent no.2)
dismiss the appeal of the petitioner and further
affirmed order passed by the learned Additional
Collector, Vaishali at Hajipur in Land Confiscation



Case no. 19 of 2021-22.

- (iii) For setting aside the order dated 24.12.2021 passed by learned Excise Court of Additional Collector, Vaishali at Hajipur in Land confiscation (Excise Act) Case no. 19/2021-22 arising out of Vaishali P.S. case no 274/2021 dated 07.07.2021 registered under Section 272, 273, 467, 468, 328/34 of L.P.C. and 30(a), 32, 34, 36 of Bihar Prohibition and Excise Act 2016 and 63/64/65 of copy right Act and 103/104 of Trade Mark Act pending in the court of Special Judge Excise Act Vaishali at Hajipur.
- (iv). For any other relief (s) which the Hon'ble Court may grant in general interest that may be deemed appropriate and necessary in this case.”

Against the order dated 24.12.2021 passed in Land Confiscation (Excise Act) Case no. 19 of 2021-22 (arising out of Vaishali P.S. Case no. 274 of 2021) by the Additional Collector, Vaishali at Hajipur (Respondent no. 5), the Excise Appeal no. 72 of 2022 preferred by the petitioner was rejected by order dated 11.02.2022. Thereafter the excise Revision Case no. 137 of 2022 preferred by the petitioner was rejected vide order dated 24.06.2022 passed by the Additional Chief Secretary, Department of Excise (Respondent no. 1).

The writ petition is disposed of with liberty to the petitioner to avail the remedy of the amended provisions in terms of Rule 12(B) and Rule 57B of the Bihar Prohibition & Excise (Amendment) Rules, 2022.



It is made clear that this Court has not expressed any opinion with respect to the merits of the case.

Equally, liberty reserved to the petitioner to approach this Court for the same and subsequent cause of action, if the need so arises.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Prakash/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

