

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3037 of 2024

Sushil Kumar Singh Son of Krishananadan Prasad Singh @ Krishanandan Prasad, Resident of Village- Manika Urf Bishunpur Chand, Police Station - Mushahari, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Department, New Secretariat, Patna.
2. The Principal Secretary Excise Department, Government of Bihar New Secretariat, Patna.
3. The Collector-Cum-District Magistrate, Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur.
5. The Excise Superintendent, Muzaffarpur.
6. The Officer-in-Charge, Sakra Police Station, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur
For the Respondent/s : Mr.Ajay Kumar (A.C. to G.P.-4)

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

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

2 20-02-2024 In the instant petition, petitioner prays for the following reliefs:-

(i) A writ in the nature of certiorari or any other writ or order or direction be issued quashing the auction sale of Mahindra Scorpio S9 vehicle bearing registration No. BR06PE-1648 through auction dated 31.03.2023 vide Memo No. 939 dated 08.04.2023; further a writ in the nature of mandamus or any other writ or order or directions be issued directing and commanding the respondents to release the Mahindra



Scorpio S9 vehicle bearing registration no. BR06PE-1648 in favour of the petitioner who is the owner of aforesaid vehicle or alternatively give compensation to the petitioner to the tune of its value of Rs. 12,12,517/- at the time of seizure of the vehicle concerned.

(ii) After setting up enquiry into the affairs of Excise Department at Muzaffarpur in the matter of auction of vehicle, wherein a racket is operating and only few number of people get a chance to participate in auction, under hand dealing is rampant, kindly direct for action against culprit persons/employees.

(iii) Any other writ order or direction to which the petitioner is found entitled by this Court, may kindly be issued.

2. Petitioner has not exhausted the remedy of appeal before the appellate authority and further revision is also available to him. That apart, he has not invoked the remedy under Rule 12-A of the Bihar Prohibition and Excise Rules, 2021 read with Amended Rules 2022 and 2023. Accordingly, the present writ petition, stands disposed of, reserving liberty to the petitioner to invoke the aforementioned remedy of appeal before the appellate authority under Section 92 of the Bihar Prohibition



and Excise Act, 2016 or in the alternative to invoke Rule 12-A of the Bihar Prohibition and Excise Rules, 2021 read with Amended Rules, 2022 and 2023.

3. If such application application is submitted under Rule 12-A, the concerned authority is hereby directed to pass a detailed order within a period of three weeks from the date of such application.

4. If appeal is filed against confiscation order, appellate authority is hereby directed to decide the petitioner’s appeal on merits while ignoring the delay issue in the light of coordinate bench decision of this Court decision in the case of Sunaina @ Suneina vs The State of Bihar and others passed in CWJC No. 7920 of 2023 dated 30.01.2024.

5. The appeal shall be decided within a period of three months from the date of receipt of such appeal.

6. With the above observations, this writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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