

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4016 of 2024

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Ram Janam Singh Son of Dhanushdhari Singh, resident of Village -
Bhairropur, P.S. - Hussainabad, District - Palamu (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Prohibition and Registration, Government of Bihar.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate-cum-Collector, Aurangabad.
4. The Superintendent of Police, Aurangabad.
5. The Senior Deputy Collector-cum-Presiding Officer, Aurangabad, Excise Court No. 2, Aurangabad.
6. The S.H.O. Excise and Prohibition, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amrendra Kumar Singh
For the Respondent/s : Mr.K.K. Singh A/C to G.P. 22

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

Date : 04-03-2024

In the instant petition, petitioner has prayed for the
following reliefs:-

*(I) To issue an appropriate
order/s, direction/s including a writ
preferably in the nature of CERTIORARI
for quashing the order as contained in
memo No. 24 dated 13.01.2024 passed
by the Senior Deputy Collector-cum-
Presiding Officer, Aurangabad (Excise
Court No.2) passed in connection with
Excise Confiscation Case No. 402 of
2023 arising out of Excise P.S.
Daudnagar P.S. Case No. 168 of 2023
under Section 30(a) of Bihar Prohibition
and Excise Act 2016 whereby and*



whereunder he had directed to release vehicle of the petitioner i.e. Mahindra Bolero bearing Registration No. JH03AK2973 seized in connection with aforesaid case subject to payment of Rs. 5,11,580/- 50% of insured value of the vehicle.

(ii) To direct the respondent no.5 to release the above mentioned vehicle of the petitioner in connection with aforesaid case subject to payment of 10% of insured value of the vehicle under the provision of Bihar Provision and Excise Act, 2022.

(iii) To any other relief/s to which the petitioner may be found entitled in the facts and circumstances of the case.

2. Petitioner has rushed to this Court without exhausting the remedy of appeal under Section 92 of the Bihar Prohibition and Excise Act, 2016. The petitioner has not apprised this court as to whether confiscation proceedings is by the competent authority or any violation of statutory rules so as to entertain the present petition.

3. Accordingly, the present writ petition stands disposed of, reserving liberty to the petitioner to invoke remedy of appeal before the appellate authority under Section 92 of the Bihar Prohibition and Excise Act, 2016 within a period of two weeks from the date of receipt of this order. The appellate authority is hereby directed to take note of Section 14 of the limitation Act read with the recent decision of the Hon'ble Supreme Court



passed in Civil Appeal No. /2024 (@ SLP (C) No. 14223 of 2019) (*M/S MPPKVV CO LTD Vs. GST and CENTRAL EXCISE COMMISSIONER*) insofar as limitation issue is concerned. Thus, appellate authority is hereby directed to pass speaking order on merit within a period of three months from the date of receipt of this order. In the meanwhile, subject matter of the motor vehicle, namely, Mahindra Bolero bearing Registration No. JH03AK2973 shall not be auctioned until appellate authority decides the appeal.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-
Shahzad

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.03.2024
Transmission Date	NA

