

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11258 of 2024

Binod Kumar @ Vinod Kumar @ Binod Kumar Sah, Son of Late Asarfi Sah
@ Ashrafi Sahu, Permanent Resident of Village-Nirmali, Ward No.-11, P.S.-
Nirmali, District-Supaul at Present Resident of House No.-292, Shakati Park
Gali No.-4A, Gurugram, Haryana.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
2. The Principal Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
3. The Excise Commissioner, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
4. The District Magistrate-Cum-Collector, Supaul.
5. The Superintendent of Police, Supaul.
6. The Additional Collector, Supaul.
7. The Sub-Divisional Magistrate, Nirmali, District-Supaul.
8. The Excise Superintendent, Supaul.
9. The Circle Officer, Nirmali, Distirct-Supaul.
10. The S.H.O., Nirmali, Distirct-Supaul.

... .. Respondents.

Appearance :

For the Petitioner	:	Mr. Manish Kumar No.13, Advocate. Mr. Rohit Kumar, Advocate.
For the State	:	Mr. Mujrabaul Haque, GP-12.

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

Date : 24-09-2024

In the instant writ petition, the petitioner has prayed
for the following relief(s):

“(A) For issuance of a direction(s), order(s) or
writ (s) in the nature of Certiorari setting
aside the order dated 25/10/2023 passed
in Excise Confiscation Case No.-15/2023-



24, as contained in Memo No.-113/न्या०/रा०, सुपौल dated 06/11/2023 issued under the signature of respondent no.-6 as contained in Annexure-5, whereby and where under it was directed to confiscate the sealed room/house situated under Nirmali Anchal, Mauza-Nirmali, Thana No.-97, Khata No.-122, Khesra No.-358, Jamabandi No.-3629, Area 1 Katha 10 Dhur (hereinafter referred to as “house in question” in short only) in the most arbitrary and mechanical manner ex-parte order was passed, without receiving the service report of the notice.

- (B) For issuance of a direction(s), order(s) or writ(s) including writ in the nature of Manadamus commanding the concerned respondent authorities to direct them to unseal the house in question forthwith in favour of the petitioner.
- (C) Any other writ/writs for granting any other relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of the present case.”

2. It is an admitted fact that the petitioner has not been provided an opportunity before order of confiscation. On this short ground, we set aside the Confiscation Order dated 25.10.2023 passed in Excise Confiscation Case No.-15/2023-24



read with the Memo No.-113/ न्या०/रा०, सुपौल dated 06.11.2023.

The matter is remanded back to the Confiscating Authority to undertake afresh exercise of confiscation proceedings within a period of two months from the date of receipt of this order. Confiscating Authority is hereby directed to adhere to the principles of natural justice both oral and written statements to be addressed or filed on behalf of the petitioner. In this regard, necessary date and time of appearance of petitioner shall be notified by the Confiscating Authority within a reasonable period of time before completion of confiscation proceedings as directed (supra).

3. With the above observations, Confiscation Order dated 25.10.2023 passed in Excise Confiscation Case No.- 15/2023-24 read with the Memo No.113/ न्या०/रा०, सुपौल dated 06.11.2023 stands set aside.

4. C.W.J.C. No.11258 of 2024 is allowed in part.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.09.2024.
Transmission Date	NA

