

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15099 of 2024

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Brajesh Pandey Son of Late Bhuneshwar Pandey Resident of Mohalla- Balan Bazar, Ara, Police Station- Ara Town, District- Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner of Excise Department, Government of Bihar, Patna
2. The Commissioner, Excise Department, Government of Bihar, Patna.
3. The District Magistrate, Bhojpur at Ara.
4. The Officer-in-charge of Udwant Nagar Police Station, within the District of Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate
For the Respondent/s : Mr. Ravish Chandra, AC to SC 6

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

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

3 08-10-2024 In the instant writ petition, petitioner has prayed for
the following relief:

“That this application on behalf of the petitioner is being filed for release of Bank Guarantee of Rs. 1,65,000=00 (One Lac Sixty five thousand) issued by Bank of India and pledged/deposited in the Office of the District Magistrate, Bhojpur at Ara confiscating officer under the Order of Hon’ble Patna High Court for release of a Passenger Bus bearing Reg. No. BR-3P-3954, Chassi No. - MAT-453552A7P47189, Engine No. -497TC91PZY865784, and owner of the said Bus is



the petitioner.”

2. On 04.10.2024, we have passed the following order:

“Learned counsel for the petitioner submitted that pursuant to earlier order of this Court dated 09.09.2022 passed in CWJC No. 12845 of 2022, on furnishing bank guarantee, subject matter of vehicle was released. Now, the issue of bank guarantee is pending consideration before the concerned authority. It is also submitted that no confiscation proceedings has been completed as on this day. In terms of Section 58 of the Bihar Prohibition and Excise Act, 2016 the confiscating authority was required to complete the proceedings within a reasonable period of time. If the time limit is not stipulated, in that event, one has to draw inference that reasonable period of time would be of three months. In the present case even after lapse of about two years, there is inaction on the part of the officials in not completing the confiscation proceedings, resultantly, prima facie petitioner is entitled to release of the bank guarantee.

2. Learned counsel for the State, Mr. Ravish Chandra, AC to SC 6 is requested to secure instructions on the next date of hearing relating to confiscation proceedings, if any.

3. Relist this matter on 08.10.2024.”

3. Today, learned counsel for the State - respondents *Mr. Ravish Chandra*, AC to SC 6, on instruction, submitted that



as on today the confiscation proceedings have not been initiated and attained finality, resultantly, in the light of Section 58 of the Bihar Prohibition and Excise Act, 2016, whatever the proceedings intends to be initiated, stands vitiated, resultantly, the concerned respondents are hereby directed to release the bank guarantee of Rs. 1,65,000/- (One Lakh Sixty Five Thousand) which was deposited on 15.09.2022 along with simple interest @ 6 % per annum till actual payment is made.

4. The above exercise shall be undertaken by the concerned authority within a period of four weeks from today. Accordingly, writ petition stands allowed.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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