

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1766 of 2023

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Tejinder Singh @ Tejindar Singh son of Dalbir Singh Resident of Village-
Resulara Thesil Khanna, P.S.- Khanna, District- Ludhiana (Punjab).

... .. Petitioner.

Versus

1. The State of Bihar through its Additional Chief Secretary, Department of Excise, Bihar, Patna.
2. The Additional Chief Secretary, Department of Excise, Bihar, Patna.
3. The Excise Commissioner, Bihar, Patna.
4. The Collector-cum-District Magistrate, Supaul, District- Supaul.
5. The Superintendent of Police, Supaul, District- Supaul.
6. The Excise Superintended Supaul, District- Supaul.
7. The Additional Collector, Supaul.
8. The Sub-Divisional Officer, Supaul, District- Supaul.
9. The officer-In-Charge, P.S.- Supaul Nadi, District- Supaul.

... .. Respondents.

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Appearance :

For the Petitioner	:	Mr. Madhav Jha, Advocate.
For the State	:	Mr. Vikash Kumar (SC-11).

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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 : 28-03-2024

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

- “(i) For quashing order dated 11.08.2022 issued under signature of the respondent no.2 Additional Chief Secretary, Excise, Patna in Excise Revision No.188/2022 by which dismissed the revision application



whereby whereunder affirm the order dated 03.06.2022 passed by respondent no.03, the Commissioner, Excise Bihar, Patna in Excise Appeal No.341/2022 and also affirm the order dated 09.02.2022 passed by the Additional Collector, Supaul in Excise Case No.112/2021/42/2022.

(ii) For quashing the order dated 03.06.2022 (Annexure-8) passed by the Excise Commissioner, Bihar, Patna in Excise Appeal No.341/2022 whereby and where under rejected the appeal affirm the order dated 09.02.2022 passed by Additional Collector, Supaul in Excise Case No.112/2021/ 42/2022.

(iii) For further quashing the order dated 09.02.2022 (Annexure-7) passed by Additional Collector, Supaul in Excise Case No.112/2021/42/2022 by which passed an order to confiscate the Truck (Vehicle) of the petitioner bearing Registration No. PB13BH9842, Engine No. 400924D0026005, Chasis No. MECO784CHKP039988 without any cause and reasons.

(iv) For also quashing the order



dt.07.08.2021 passed in Excise Case No.112/2021 by Additional Collector, Supaul whereby and where under ordered to confiscate of the truck in question (Annexure-5).

- (v) For that further issue direction to the respondents release Truck (Vehicle) bearing Registration No. PB13BH9842 to the petitioner as he is ready to furnish sufficient surety.
- (vi) For that further give other legal consequential benefit to the petitioners.”

2. During the course of argument, learned counsel for the petitioner vehemently contended that behind the back of the petitioner, respondents have proceeded to auction the subject matter of motor vehicle and it was not communicated to the petitioner. However, he vehemently contended that subject matter of auction proceedings be taken note of in the present proceedings.

3. It is not necessary to take note of such contention in view of the fact that the petitioner has not assailed the auction proceedings.

4. Accordingly, the present writ petition stands disposed of reserving liberty to the petitioner to assail the



auction proceedings and in accordance with law.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.04.2024.
Transmission Date	NA

