

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17803 of 2023

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Raja Kumar S/o Vijay Singh Resident of Village- Ward No.-10, Chak Dumari,
P.S.- Raja Pakar, District- Vaishali, at present Raja Kumar, S/o Vijay Singh,
Resident of Mohalla- Khajurtalla, Ijtema Masjid Bakra, P.S.- Dumzur,
District- Hawra (West Bengal).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Divisional Commissioner, Excise Department, Patna Division, Patna.
3. The District Collector, Nawada.
4. The Superintendent of Police, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sheo Kumar Prasad, Advocate
For the Respondent/s	:	Mr. P.K. Verma, AAG 3
		Mr. Saroj Kumar Sharma, AC to AAG 3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

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

3 05-01-2024 Heard learned counsels for the respective parties.

2. In the instant writ petition, petitioner has prayed for
the following relief/reliefs:

*“(i) For release the Mahindra Bolero
Pick van having registration No. WB11F-5747
which was seized by the respondent authorities in
connection with Excise P.S. Case No. 463/2023 for
the offence registered under Sections 30 (a), 56 (2)
(II) of the Excise Act.*

*(ii) For till date excise confiscation case
has been not initiated.”*



3. During pendency of the present writ petition, confiscation proceedings has attained finality.

4. Petitioner has a remedy of appeal before the appellate authority against the confiscating authority's order. 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. If such appeal is filed, the appellate authority is hereby directed to decide the appeal within a period of three months from the date of receipt of such appeal. Till appeal is decided, the concerned authority is hereby directed to not to undertake auction proceedings of subject matter of motor vehicle viz. WB 11 F – 5747 (Mahindra Bolero Pick-up van).

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

GAURAV S./-

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