

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18066 of 2023

Navneet Kumar Singh @ Navneet Kumar S/o Nagina Singh Resident of
village - Govind Fulkaha, P.S.- Kanti (Panapur O.P.), District - Muzaffarpur.
... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise Prohibition and Registration, Bihar Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur.
5. The S.H.O. of Kanti P.S. Dist-Muzaffarpur.

... .. Respondents.

Appearance :

For the Petitioner : Mr. Sunil Kumar Pandey, Advocate.
For the State : Mr. Standing Counsel (19).

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 01-04-2024

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

- “(i) To, issue an appropriate order/s, direction/s including a writ preferably in the nature of CERTIORARI to quash the order dated 09.10.2023 passed in Excise Appeal Case No.135/2023 passed by Excise Commissioner, Bihar, Patna arising out of Kanti (Panapur O.P.) P.S. Case No.544/2019 registered under sections 30(a) of Bihar Prohibition & Excise Act 2016-18



whereby and whereunder the seized Scorpio bearing Reg. No.BR06PD-8790 Annexure-P/4.

- (ii). To quash the order dated 27.05.2023 passed in confiscation case No.217/2019-20 arising out of Kanti (Panapur O.P.) P.s. Case No.544/2019 registered under sections 272, 273 IPC & 30(a) of Bihar Prohibition and Excise Act (Amendment Act 2021) passed by Collector-cum-Magistrate, Muzaffarpur (hereinafter referred as the confiscating officer), whereby and whereunder the seized Scorpio bearing Reg No.BR06PD-8790 of the petitioner was confiscated Annexure-P/2.
- (iii) To direct the respondent No.3 to release the Scorpio henceforth with taking into consideration that the same is lying open in the sky subject to speedy decay.
- (iv) To any other reliefs/s to which the petitioner may be found entitled in the facts and circumstances of the case.”

2. On 05.03.2024, we have passed the following order:

“Learned counsel for the petitioner on instruction submitted that petitioner is willing to pay penalty of 10% of the



insurance value of the vehicle or whatever the clause stated in the statute.

2. In this regard, State counsel is hereby directed to secure instruction and make his submission whether official respondents are prepared to accept the proposal given by the petitioner or not.

3. In the meanwhile, concerned respondents are hereby directed to not to auction the subject matter of the motor vehicle till next date of hearing, if it is not already auctioned.

4. Re-list this matter on 12.03.2024.”

3. To the above effect, counter affidavit on behalf of the respondent no.3 is presented on 11.03.2024. In paragraphs-3 and 4, it is stated as under:

“3. That this official respondent had perused the order dated 05.03.2024 passed by this Hon’ble Court in present writ petition and official record of Kanti Police Station (Panapur O.P) in connection with bearing case no.544/2019. It is evident from order dated 05.03.2024 that writ petitioner want to pay penalty of 10% of the insurance value of the vehicle or whatever the clause stated in statute.

4. That here it is humbly to say that this



respondent is ready to release the seized vehicle as per provision of Rule 12A of Bihar Prohibition and Excises 2021 (Amended 2023) on the insurance value of the vehicle. Hence the petitioner may filed Form IV for release of the seized vehicle and this respondent will follow the direction passed on 05.03.2024 and will not auction the subject matter of the motor vehicle till further order of this Hon’ble Court.”

4. In the light of the aforementioned developments, the present writ petition stands disposed of.

5. The respondent no.3 is hereby directed to complete the proceedings with the cooperation of the petitioner within a period of two weeks from the date of receipt of this order.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.04.2024.
Transmission Date	NA

