

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15679 of 2024

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Suraj Kumar S/o Late Rajendra Singh, R/o Rajeev Nagar Road No. 15, PS-
Rajeev Nagar, Distt. Patna.

... .. Petitioner/s

Versus

1. State of Bihar through Secretary, Department of Excise, Bihar, Patna.
2. Secretary, Department of Excise, Bihar, Patna.
3. The District Magistrate cum Collector, Siwan, at Siwan.
4. The Superintendent of Police Siwan at Siwan.
5. The S.H.O., Excise P.S. Siwan at Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dewanand Tiwari, Advocate.
For the Respondent/s	:	Mr. Madhaw Prasad Yadav, GP-23.
	:	Mr. Arvind Kumar, AC to GP-23.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 23-01-2025

In the instant petition, petitioner has prayed for release of white color Honda Brivo, i-vtec car, bearing Registration No. BR 01DQ 9839, Chasis No. MAKDD171BHN400333, registered in the name of father of petitioner, which has been seized by respondent no.5 in connection with Siwan Excise P.S. Case No.1050 of 2023 for the offence u/s 30(a) of Bihar Excise Prohibition Act, 2016, to the satisfaction of learned court of Exclusive Spl. Excise II Siwan/ D.M., Siwan.



2. On 16.12.2024 this Court passed the following order which are as under:-

*“State counsel has filed counter affidavit during the course of the day. The same is taken on record however, counter affidavit does not reveal what is the date of submission of report by Special Excise II, Siwan to the District Magistrate for taking confiscation proceedings pursuant to the seizure of the vehicle on 02.12.2023 for the offences under Excise Act, for the reasons that District Magistrate is required to receive such report within a period of thirty days from the date of seizure of the vehicle and other commodity. If there is a delay beyond 30 days, in that event, Special Excise II, Siwan was required to furnish reason as to why there is a delay in communicating the report. If there is a delay in submission of report beyond thirty days from the date of seizure of the vehicle along with the commodity, in that event, author of the report was required to furnish his explanation as to why there is a delay. If these ingredients are not forthcoming from the internal communication of submission of report by Special Excise II, Siwan to the District Magistrate, Siwan, in that event, there would be a violation of Rule 13 B of Bihar Prohibition & Excise Rules, 2021.
2. Re-list this matter on 19.12.2024.”*

3. Today learned counsel for the State Mr. Madhaw Prasad Yadav filed supplementary counter affidavit along with the documents which are Annexures R/A to R/E. Perusal of Annexure R/D, report dated 17.12.2024, it is not in compliance to Rule 13-A of the Bihar Prohibition and Excise Rules, 2021 read with Amended Rules, 2022. On this score, the petitioner has made out a case so as to interfere with the action of the



respondents.

4. For non-compliance of Rule 13-A of the Bihar Prohibition and Excise Rules, 2021 read with Amended Rules, 2022, the impugned action of the respondents insofar as non-releasing the subject matter of vehicle bearing Registration No. BR 01DQ 9839, Chasis No. MAKDD171BHN400333 is arbitrary. Accordingly, the concerned authority is directed to release the subject matter of vehicle bearing Registration No. BR 01DQ 9839, Chasis No. MAKDD171BHN400333 within a period of one week from the date of receipt of this order.

5. With the above observation, the present writ petition stands allowed.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

harish/-ritik/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.01.2025
Transmission Date	NA

