

CEX 178/24

Order dt.15.1.25

Today is fixed for report with respect to seized vehicle.

Ld. APP is present.

Ld. Advocate for the accused files one petition for confirmation of the bail. It is submitted that the accused had complied with the order of the court and met with the EO. Perused the thana hazira.

Heard and considered. AI bail is confirmed.

One report along with the copy of the advice of the sample dispatched vehicle particulars and the order of the Government of West Bengal Finance Department (Excise Branch) office of the Additional Excise Officer, Barrackpore Excise Division. dt.1.7.24.

As per the Gazette Notification of the Government of West Bengal Finance Department dt.1.7.24, Rule 3(1) "The Head of the Excise Division under whose territorial jurisdiction the case has been registered, shall be the competent authority to exercise the power of disposal under sub-sec.2 of Sec.78 of the Bengal Excise Act, 1909"

As per the guidelines the Head of the Excise Division, has been entrusted with the responsibility of adjudication in respect of disposal of seized property etc specially conveyance in terms of Sec.78 (2) of the Amended Bengal Excise Act read with 1030-F.T dated 1.7.24.

Thus, on the basis of above discussion, this court does not have the power to return the seized vehicle having registration no.WB08 C5158 to the owner of the vehicle as per the prayer made by him as per the provisions laid down under Sec.78 (2) of the Amended Bengal Excise Act read with 1030-F.T dated 1.7.24.

Accordingly, the owner of the vehicle is to approach the appropriate authority for the return of the above mentioned vehicle.

To **11.3.25** for chemical report.

Dictated & Corrected by me,

(Pratigya Pradhan)
J.M, 3rd Court, Barrackpore.

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