

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 4716 of 2025****SAKIB AHMED *versus* STATE OF CHHATTISGARH****Order Sheet**

04/09/2025	Heard Mr.Anurag Singh, learned counsel for the petitioners as well as Mr.Prafull Bharat, learned Advocate General assisted by Mr.Shashank Thakur, learned Deputy Advocate General appearing for the respondents/State. By way of this writ petition, the petitioners have challenged the constitutional validity of Section 47-A, 47-B, 47-C and 47-D of the Chhattisgarh Excise Act, 1915 (hereinafter called as 'Excise Act'), as being ultra vires, arbitrary and violative of Articles 14, 19(1)(g), 21 and 300-A of the the Constitution of India.
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	Learned counsel for the petitioners submits that the petitioners' vehicle was seized along with certain quantity of liquor and a criminal case was registered against them under the provisions of the Excise Act. However, learned trial Court, after full-fledged trial, acquitted the petitioners of all charges under Sections 34, 36 and 42 of the Chhattisgarh Excise Act vide judgment dated 26.05.2025. Despite such acquittal, respondent No.2-Collector/District Magistrate, Balrampur initiated and concluded parallel confiscation proceedings under Section 47-A of the Act and passed an order dated 25.06.2025 for confiscation of the vehicle, subject to deposit of fine, thereby depriving the petitioners of their property. He further submits that Section 47-A of the Act empowers the Collector to order confiscation during pendency of trial, without recognizing any valid defence available to the vehicle owner, and thereby renders the proceedings before the Collector a mere formality. The exclusion of judicial remedy under Section 47-D of the
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	Act further aggravates the arbitrariness, as it bars jurisdiction of criminal courts with respect to seized property once confiscation proceedings are initiated before the Collector. The impugned provisions are manifestly arbitrary, disproportionate and contrary to the scheme of Sections 46 and 47 of the Act which vest confiscation power in the Judicial Magistrate trying the offence. He relied upon the judgment of the Supreme Court in the matter of Madhukar Rao v. State of M.P. reported in (2008) 14 SCC 624, wherein the Supreme Court has categorically held that confiscation cannot be ordered once the accused is acquitted. Further, he relied upon the judgment of the Full Bench of the Madhya Pradesh High Court in the matter of Ramlal Jhariya v. State of M.P. (W.P. No.11356/2024), wherein the High Court of Madhya Pradesh has declared pari materia provisions of the M.P. Excise Act, 1915 as unconstitutional. Therefore, the petitioners seek declaration of Sections 47-A, 47-B, 47-C and 47-D of the
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Bablu	Chhattisgarh Excise Act, 1915 as ultra vires. The petitioners are also seeking quashing of the confiscation order dated 25.06.2025 passed by respondent No.2. Since learned Advocate General appearing for the respondents/State has put in appearance on behalf of the respondents, there is no need to issue fresh notices to the respondents. Learned Advocate General appearing for the respondents/State prays for and is granted two weeks' time to file return and thereafter, one week' further time is granted to learned counsel for the petitioners to file rejoinder, if any. List this matter thereafter. Sd/- (Bibhu Datta Guru) Judge Sd/- (Ramesh Sinha) Chief Justice
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