

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.191 of 2017

Arising Out of PS. Case No.-76 Year-2016 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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Anand Kumar son of Sri Bhim Ram, Resident of Village Jalalpur, P.S.-
Kuchaikote, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Collector, Gopalganj, Gopalganj.
3. The Superintendent of Excise, Gopalganj.
4. Avinash Kumar, son of not known, Sub-Inspector Excise, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Binay Kumar Singh,
	:	Rekha Prasad & Manjari Kumari, Advocates
For the State	:	Ms. Parachi Pallivi, AC to AG

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 03-07-2019

This application has been filed by the petitioner challenging the confiscation proceeding initiated vide order dated 18.10.2016 passed by the Collector, Gopalganj in respect of motorcycle bearing registration no.BR 28J 9928 belonging to the petitioner which was seized in connection with Gopalganj Excise Case No.76 of 2017.

2. It is submitted by the learned counsel for the petitioner that during pendency of this application a confiscation proceeding has already been concluded and the vehicle in question has been confiscated and auction sold under the orders



of the Collector, Gopalganj.

3. Learned counsel appearing for the State submitted that since confiscation is a civil proceeding, the criminal writ petition would not be maintainable before this Court challenging the order whereby confiscation proceeding has been initiated. She further submitted that since confiscation proceeding has already been concluded and confiscation order has been passed by the Collector in respect of the vehicle in question, an appeal would lie before the Excise Commissioner under sub-section (2) of Section 92 of the Bihar Prohibition and Excise Act, 2016.

4. In view of the availability of equally efficacious statutory remedy to the petitioner against the order impugned, I am not inclined to entertain this application in extraordinary writ jurisdiction.

5. The application is disposed of with liberty to the petitioner to avail of the statutory remedy prescribed under the Bihar Prohibition and Excise Act, 2016.

(Ashwani Kumar Singh, J)

Md. S/-

AFR/NAFR	NAFR
CAV DATE	N/A
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