

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18961 of 2018

Abdul Kudoos, Son of – Md. Adbar, Residence of village – Sahnchera, P.S.-
Nagar, Distt.- Saharanpur

... .. Petitioner

Versus

1. The State of Bihar, through Principal Secretary Excise Department,
Government of Bihar, Patna
2. The District Magistrate Gopalganj
3. The Superintendent of Police Gopalganj
4. The S.H.O. Kuchaikote, Distt. - Gopalganj

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Sushil Kumar, Adv.
For the Respondent/s : Mr. Vivek Prasad- GP 7

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

3 09-04-2019 The petitioner prays for quashing of the order dated 22.5.2018 passed by the District Magistrate, Gopalganj in Confiscation (Excise) Case No. 394/2017 and for provisional release of the truck bearing registration no. HR-58A-4754 which has been seized in connection with Kuchaikote P.S. Case No. 242/2017 for the offences punishable under section 30(a)(b)(c) of the Bihar Prohibition and Excise Act, 2016.

This matter was heard on 01.04.2019 on admission and when in consideration of the issues which related to provisional release of the vehicle that we passed an order of provisional release of the vehicle in question but while finalizing the draft judgment that it transpired that this petitioner



had already approached this Court through CWJC No. 6621 of 2018 and a Co-ordinate Bench of this Court has already ordered for provisional release of the vehicle. This order was passed on 10.04.2018 by a Co-ordinate Bench and it is in compliance of the said order that the District Magistrate, Gopalganj functioning as the Confiscating Authority under the Bihar Prohibition and Excise Act, 2016 has directed the petitioner to deposit a Bank guarantee of 20 lakhs for the purpose of release of the vehicle while acknowledging that the original papers relating to the vehicle are in seized condition.

It is feeling aggrieved by this part of the order which was in fact in purported compliance of the order of this Court passed in CWJC No. 6621 of 2018 that the petitioner has again approached this Court and when order was passed for provisional release for a second time, overlooking the order already passed in previous round in CWJC No. 6621 of 2018. This is why we posted this matter under the heading “To Be Mentioned” for passing appropriate orders.

We have heard learned Counsel for the parties and we are satisfied to note that this writ petition does not require any indulgence because it is filed questioning an order passed by the District Magistrate, Gopalganj, which in fact is in compliance of



the earlier order passed by this Court in CWJC No. 6621 of 2018 and which order has since attained finality.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Archana/
Surendra/-

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