

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 11134 of 2019

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Rajesh Mandal @ Rajesh Kumar, aged about 36 years, (M), S/o Sukhdev Mandal, Resident of Village- Sukhasan, Ward No. 3, P.S.- Madhepura, District- Madhepura.

... .. Petitioner

Versus

1. The State of Bihar, through Principal Secretary, Prohibition, Excise Registration Department, Government of Bihar, Patna.
2. The Principal Secretary, Prohibition, Excise Registration Department, Government of Bihar, Patna.
3. The Collector, Madhepura.
4. The Superintendent of Police, Madhepura.
5. The Superintendent of Excise, Madhepura.
6. The Sub Inspector Excise, Sadar Anchal- cum-Patrolling Party, Madhepura.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar
For the Respondent/s : Mr. Kumar Pankaj, AC to SC-5

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAKESH KUMAR)

2. 03-09-2019 Heard Sri Pawan Kumar, learned counsel for the petitioner and Sri Kumar Pankaj, learned A.C. to Standing Counsel – 5.

The present writ petition was filed with a prayer to direct the respondents to release his vehicle i.e. Hero H.F. Deluxe, bearing Registration No. BR43H-9976, Chasis No. MBLHAR237H9G57447, which was seized in connection with



Excise Case No. 143 of 2018 for offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner admits that the present writ petition was filed after the final order was passed in the confiscation proceeding, however; he submits that he was not aware regarding the confiscation proceeding and as such, he directly approached this Court by invoking its writ jurisdiction.

Learned State counsel submits that against the impugned order, there is statutory provision of appeal.

Considering the fact that there is statutory provision of appeal, it would not be appropriate for this Court to exercise writ jurisdiction, instead we can permit learned counsel for the petitioner to get the writ petition disposed of with liberty to avail statutory remedy.

It goes without saying that if petitioner approaches the appellate authority and files an appeal, the period consumed by the petitioner in pursuing the present writ petition i.e. from 16-05-2019 till date shall be excluded while considering the limitation matter. The authority concerned may also consider the limitation petition, if any, filed by the



petitioner in accordance with law.

With above observation, the writ petition stands disposed of.

(Rakesh Kumar, J.)

(Anjani Kumar Sharan, J.)

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