

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11941 of 2019**

Ravi Ranjan Kumar @ Ravi Ranjan Verma, aged about 33 years, male, Son of Suresh Prasad Verma, resident of village: Jharha, P.S.: Imamganj, District: Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Collector -cum- District Magistrate, Gaya.
3. The Superintendent of Excise, Gaya, District: Gaya.
4. The Superintendent of Police , Gaya.
5. The S.H.O. Barachatti P.S., District- Gaya.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Sri Sanjay Kumar, Advocate  
For the Respondent/s : A.C. to Government Pleader No. 7

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

**(Per: HONOURABLE MR. JUSTICE RAKESH KUMAR)**

2      06-09-2019                      Heard Sri Sanjay Kumar, learned counsel for the petitioner and learned A.C. to Government Pleader No. 7.

The present petition has been filed under Article 226 of the Constitution of India with a prayer to direct the respondents to release his Hundai -i20 Car bearing Engine No. G4LAHM565006, Chasis No. MALBM51BLHM433182, Registration No. JH-02AS-4196 which has been seized on 05/05/2019 in connection Excise Case No. 261 of 2019 under Section 30(a) and 56(kh) of Bihar Prohibition and Excise (Amendment ) Act, 2018 [hereinafter referred to as ‘Excise Act’].

It was submitted by learned counsel for the petitioner that on false accusation of recovery of 3 liter 350 ml of Indian



make foreign liquor which was shown to be recovered from the dicky of the vehicle, the vehicle has been seized. It has been argued that after seizure without any confiscation proceeding the vehicle of the petitioner was kept lying in open sky by the respondents and only after filing of the present writ petition notice was issued and finally during pendency of the present writ petition confiscation proceeding has already come to an end and vehicle of the petitioner has already been confiscated.

The court is of opinion that since vehicle has already been confiscated, the petitioner may avail appropriate remedy before the competent authority and as such, it would not be advisable for this court to exercise writ jurisdiction. The writ petition stands disposed of granting liberty to the petitioner to avail appropriate remedy.

It goes without saying that period consumed by the petitioner in pursuing the present case shall be excluded while considering the limitation matter.

**(Rakesh Kumar, J)**

**( Anjani Kumar Sharan, J)**

praful/-

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