

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25803 of 2019

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Anand Deo Paswan, Son of Mahadev Paswan, Resident of Village-
Raghunath Khap, P.S. Gurua, District- Gaya. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
2. The District Magistrate-cum- Collector, Gaya.
3. The Superintendent of Police, Gaya.
4. The Officer-in- Charge, Barachatti, Excise Police Station, Barachatti, Gaya.
... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Bharti
For the Respondent/s : Mr. A.C. to S.C-5

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
and
HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

4 03-02-2020 Heard Mr. Vijay Bharti, learned Counsel for the

petitioner and Mr. Prashant Kumar, A.C. to S.C.-5 for the

respondents.

The present writ application has been filed for release
of auto rickshaw (tempo) bearing Registration No. BR2PB-
0990, seized in connection with Excise Case No. 667 of 2019
registered under Section 30(c) of Bihar Excise and Prohibition
Act, 2018 and Sections 2(e), 3, 5(b) and 18 of Bihar Excise
(Mahua Flowers) Rules, 2006.

The factual matrix of the case is that on 15.10.2019,
an auto rickshaw was intercepted and on search being made,
100 kg of Mahua flowers were recovered, leading to the seizure



of the vehicle.

I.A. No. 01 of 2020 has been filed for amendment of prayer to the extent of setting aside the notice dated 11.12.2019 issued by the Collector, Gaya in Confiscation Case No. 342 of 2019, arising out of Excise Case No 667 of 2019.

Learned Counsel for the petitioner submits that vide order dated 17.01.2020, the District Magistrate, Gaya has released the vehicle in question in favour of the petitioner and the confiscation proceedings has been dropped.

This fact has also been supported by learned Counsel for the respondents in the counter affidavit, dated 18.01.2020, filed on behalf of respondent no. 2 wherein statement has been made to the effect that the vehicle in question has already been released in favour of the petitioner vide order dated 17.01.2020 passed by the District Magistrate, Gaya in Excise Confiscation case No. 342 of 2019.

In that view of the matter, this application along with I.A No. 1 of 2020, is disposed, of as having become infructuous.

(Dinesh Kumar Singh, J.)

(Anil Kumar Sinha, J.)

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