

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1518 of 2018

Arising Out of PS. Case No.-54 Year-2017 Thana- MOKAMAH District- Patna

Shree Paswan S/o Singan Paswan R/o Mokama Mainak Tola, Ward No. - 9,
P.S. - Mokama, Distt - Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Senior Superintendent of Police, S.S.P., Patna.
2. The District Magistrate, Patna.
3. The Station House Officer S.H.O. Mokama Police Station, Patna.
4. The State of Bihar through Principal Secretary, Excise Department, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Singh, Advocate

For the Respondent/s : Mr.Rewti Kant Raman, AC to SC-11

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-02-2021 This writ application has been preferred seeking to challenge the order of confiscation passed by the District Magistrate, Patna in Confiscation Case No. 346/2017-18.

It appears on perusal of the impugned order dated 13.02.2018 that the same has been passed by the District Magistrate, Patna in exercise of it's power under Section 58(3) of the Bihar Prohibition & Excise Act, 2016 (hereinafter referred to as the "Act of 2016").

Against the order passed by the Collector under the Act of 2016, an appeal has been provided under Section 92 of the Act of 2016. It appears that the petitioner has chosen a wrong remedy by filing this criminal writ application. There



being a statutory alternative remedy of appeal against the impugned order and the same being equally efficacious, this Court would not entertain this writ petition.

The Writ Application is dismissed.

Dismissal of the writ application would however not come in the way of the petitioner in challenging the impugned order before the appellate authority within the statutory period of limitation as provided under section 92 of the Act of 2016. This observation is being made on finding that the petitioner seems to have filed the writ application on some legal advise and this writ application has remained pending before this court since 10.05.2018.

The Writ Application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

