

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4328 of 2022

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Rahul Kumar Chaudhary @ Rahul Kumar Singh S/o Ramjinish Chaudhary

R/o Vill- Terha, P.S.- Ishuapur, Distt- Vaishali.

.. ... Petitioner/s

Versus

1. State of Bihar through Secretary, Department of Excise, Bihar, Patna.
2. Secretary, Department of Excise, Bihar, Patna.
3. The District Magistrate cum Collector, Vaishali at Hajipur.
4. The Superintendent Excise, Vaishali at Hajipur.
5. Sri Sangam Kumar Vidyarthi, The Sub Inspector, Excise, Prahar Bal-2,
Vaishali at Hajipur.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha
For the Respondent/s : Mr.Vikash Kumar (SC11)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 06-05-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):

- (i) That the present writ petition is being filed for issuance of direction to respondent no. 3 & 5, to comply the order dt. 29/11/2021 Passed in Confiscation Case no. 10/2021-22 Titled as Baby Devi versus State, rendered by Additional Collector, Vaishali by which order has been passed to confiscates the area of 5''x2'' which was used for illegal trade of wine and further to put on auction the same.
- (ii) To further issue direction to unlock/unseal the business premises of the petitioner run in name & style of M/S "CITY FASHION SAREE SHOW ROOM" which has been sealed on 10/07/21, by Sri Sangam Kumar Vidyarthi, The Sub Inspector, Excise, Prahar Bal-2, Vaishali at Hajipur, and thereafter filed the C2A case no. 139/21 dt. 11/07/2021 u/s 30(a) of Bihar Prohibition of Excise

Act, 2016, except the portion as shown in order dt. 29/11/2021 passed in Confiscation case no. 10/2021-22.

- (iii) To issue any other relief(s) for which petitioner was entitled for.

After the matter was heard for some time, finding the Court not to be in favour with the submissions made across the Bar, learned counsel for the petitioner, under instructions, states that petitioner shall be content if the petitioner is permitted to withdraw the present petition reserving liberty to exhaust the remedies under the Statute.

Permission granted.

It is made clear that we have not expressed any opinion on merits. All issues are left open.

The petition stands disposed of as withdrawn with the liberty aforesaid.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	