

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1216 of 2022

Arising Out of PS. Case No.-573 Year-2022 Thana- BAGHA District- West Champaran

Vikash Kumar Son of Surendra Prasad Resident of Gandhinagar, P.S.-
Bagha(Patkhauli), District- West Champaran, Bettiah, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through it's Additional Chief Secretary, Dept. of Prohibition and Excise, Patna Bihar
2. The D.G.P., Bihar, Patna Bihar
3. The District Magistrate-cum-Additional Collector, West Champaran, Bettiah Bihar
4. The Additional District Magistrate-cum-Additional Collector, West Champaran.Bettiah Bihar
5. The S.P., West Champaran, Bettiah Bihar
6. The S.H.O., Bagaha (Patkhauli), West Champaran, Bettiah Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Respondent/s : Ms.Roona, AC to GP-7

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-11-2022 Petitioner is seeking setting aside/quashing of the notice dated 30.08.2022 as contained in Annexure-5 issued by the learned Additional District Magistrate-cum-Additional Collector, West Champaran, Bettiah whereby and whereunder under Section 12(Ka) of the Bihar Prohibition and Excise (Amended) Rules, 2022 the respondent no.4 has raised a demand of 50% of the insured value of the vehicle which is a bus bearing Registration No.BR-06PD-8701 for release of the said vehicle.



It appears from the submissions made on behalf of the petitioner that a confiscation proceeding has already been initiated against the vehicle in question. The petitioner has been served with a notice in the said confiscation proceeding, but he has not appeared in the said case. The confiscation proceeding is not under challenge before any competent court.

Under these circumstances, this Court would not entertain this writ application seeking interference with the demand of 50% of the insured value of the vehicle as a condition precedent for release of the vehicle. It is said to be in accordance with Section 12(Ka) of the Bihar Prohibition and Excise (Amended) Rules, 2022.

This writ application is, thus, not entertained.

The petitioner may seek his remedy before appropriate forum in appropriate jurisdiction.

(Rajeev Ranjan Prasad, J)

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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'.

