

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4004 of 2023

Abhishek Kumar Ram @ Abhishek Kumar, son of Baijnath Ram, Resident of village - Done don Buzurg, P.S. - Darauli, Dist. - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Excise Department, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar Patna.
3. The Superintendent of Police, Siwan.
4. The District Magistrate-cum-Collector Siwan.
5. The Dy. Superintendent of Police, Siwan.
6. The S.H.O. Mairwa P.S. Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate
For the Respondent/s : Mr. Vivek Prasad (GP 7)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-04-2023

Heard learned counsel for the petitioner and learned counsel for the respondents.

The petitioner is concerned with the release of his Motorcycle bearing Registration No.BR-29AN-9488, Engine No.HA11EYLHL67440, Chassis No.MBLHAW126LHL74945, which was seized under Section 30(a) of Bihar Prohibition and Excise Act, 2016 and an FIR being Mairwa P.S. Case No.133 of 2022 was registered on 02.04.2022.

We see that a quantity of 7 litres of foreign made liquor and 15 litres of country made liquor were seized from the vehicle.



It is stated that no confiscation proceedings have been started as yet.

Learned counsel for the petitioner submits that the petitioner is ready to avail the remedy provided under Rule 12A of the Bihar Prohibition and Excise Rules, 2021.

In such circumstances, we are not inclined to invoke the extraordinary writ jurisdiction under Article 226 of the Constitution of India, especially when a remedy is available under the Bihar Prohibition and Excise Act, 2016 and the Rules framed thereunder.

The writ petition stands dismissed leaving open the remedy of the petitioner to avail the remedy under the Act and the Rules framed thereunder provided the vehicle has not yet been sold in auction or disposed off otherwise.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	19.04.2023
Transmission Date	

