

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2436 of 2022

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Dinesh Kumar, S/o Raja Ram Prasad, Resident of Village - FulBariya
Korwan, P.S. - Chiksoura, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Bihar Prohibition and Excise, Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The Collector-cum-District Magistrate, Nalanda.
4. The Addl. Collector-cum-Addl. District Magistrate, Nalanda.
5. The Superintendent of Police, District of Nalanda at Biharsharif.
6. The Officer in charge, Chiksoura Police Station, District - Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar, Advocate
For the Respondent/s : Mr.Kumar Manish, SC 5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-04-2023

The petitioner is concerned with his motorcycle bearing Registration No. BR-01EU-2803, which was seized with one and half litres of liquor. The FIR was registered on 23.03.2021. A confiscation order was passed on 29.06.2021. The petitioner approached this Court with CWJC No. 10577 of 2021 in which Annexure-2, judgment was passed. Therein the petitioner's contention was that the confiscation order was an *ex parte* order and no notice was served upon the petitioner.



2. The petitioner was given liberty to seek for recall of *ex parte* order and it was also directed that if the confiscating authority comes to a finding on the basis of records that there was no proper and valid service of notice then the *ex parte* order shall be recalled.

3. The judgment was passed on 08.07.2021. The petitioner approached the confiscating authority on 11.08.2021 with an application before which, on 05.08.2021 the vehicle was auctioned. The petitioner in fact after Annexure-2 judgment ought to have approached the authority immediately.

4. The vehicle having been sold there is no purpose served in now entertaining the writ petition. We find no reason to exercise the extra ordinary writ jurisdiction under Article 226 of the Constitution of India.

5. Writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	24.04.2023
Transmission Date	

