

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2186 of 2023

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Shambhu Nath Choudhary Son of Late Laxmi Choudhary, Resident of
Village- Navtoliya, p.S.- Bhawanipur, District- Bhagalpur, Presently residing
at Khagaha Mirganj, P.S.- Mirganj, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The District Collector, Saharsa District- Saharsa.
3. The Superintendent of Police, Saharsa District- Saharsa.
4. The Excise Superintendent, Saharsa District- Saharsa.
5. Sub Inspector Excise, Simri Bhakhtiyarpur, Anchalcum Prahar Bal, Saharsa,
District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate
For the Respondent/s : Mr.Kumar Manish (Sc 5)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

4 19-07-2023 In the instant petition, petitioner has prayed for the
following relief(s):-

*“ That, this is an application
for issuance of writ in the nature of
mandamus or order/direction for
releasing the Scorpio bearing
registration No. BR-11 PB-9796,
which was seized in connection with
Excise P.S. Saharsa F.I.R. No.
209/2022 dated 3.9.2022 District
Saharsa, registered Under Section-
30(a) of the Bihar Prohibition and
Excise Amendment Act, 2018.”*

2. The relief sought in the present petition is not



warranted in the light of the fact that the petitioner after paying certain penalty got released the vehicle. The subject matter of vehicle was passed through confiscation proceedings and consequential orders have been passed.

3. Therefore, the petitioner has remedy of questioning the validity of the penalty order and consequential order, if any, and thereafter he is required to seek refund of penalty amount which has been deposited by him for the purpose of releasing of the vehicle. In the absence of such relief, the present petition is not maintainable.

4. Accordingly, the present petition stands disposed of. Reserving liberty to the petitioner to invoke appropriate remedy.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

abhishekk/-

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