

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 3139 of 2023

Chandan Kumar Son of Late Narendra Pal Singh, Resident of Village-
Chhitrauli, P.S. Dhanarua, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
2. The Excise Commissioner, Government of Bihar, Patna.
3. The Collector and District Magistrate, Patna.
4. The Senior Additional Collector, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Superintendent of Police, (Rural), Patna.
7. The Sub-Divisional Officer, Masauri, District- Patna.
8. The Station House Officer, Bhawanganj Police Station, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Bhola Kumar, Advocate

For the Respondent/s : Mr Vikash Kumar, SC XI

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 12-04-2023 Heard learned counsel for the petitioner and learned
counsel for the respondents.

The petitioner is concerned with the First Information Report being Bhagwanganj Police Station Case No 19 of 2022 registered on 18.02.2022 under Section 30 (a) of Bihar Prohibition and Excise Act, 2016 regarding the seizure of the vehicle bearing Registration No. BR25GA1457, Chassis No. MAT7640117F12640, Engine No. 5LNGDICR17FPY505483 which was found to be carrying two litres of liquor.

The confiscation proceedings were completed on



28.4.2022 as is evident from annexure 3.

An appeal was filed which was also rejected on 13.06.2022. In fact, at the time of appeal, the petitioner was given the remedy of availing the benefit under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 (for brevity, *the Rules*) which he did not avail.

A subsequent revision was also rejected on 20.08.2022 as is seen from Annexure 5.

The writ petition itself is filed after 6 months of the revisional order.

We hence decline exercise of discretionary power to interfere with proceedings especially when no procedural irregularity has been argued or brought on record.

However, even today the petitioner would be entitled to avail the benefit under Rule 12A of the Rules if the vehicle has not been sold in auction or disposed off otherwise.

Writ petition is disposed off.

(K Vinod Chandran, CJ)

(Madhuresh Prasad, J)

M.E.H, uttam/-

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