

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3501 of 2023**

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Mithlesh Kumar S/o- Upendra Mahato, Resident of Village- Sorpaniya (Ward No. 2), P.S.- Dhaka (O.P. Pachpakari), District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Excise, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Collector/ District Magistrate, East Champaran at Motihari.
4. The Superintendent of Police, East Champaran at Motihari.
5. The Officer In- Charge of Dhaka (Pachpakari) Police Station, District- East Champaran.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rakesh Kumar No.1, Advocate  
For the Respondent/s : Mr. Vikash Kumar (SC 11)

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**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-05Z-O593, Engine No. JA06ERHGL25887, Chassis No. MBLJAR023HGL21332, which was seized under Section 30(a) of Bihar Prohibition and Excise Act, 2016 and an FIR being Dhaka (Pachpakadi) P.S. Case No.691 of 2022 was registered on 12.11.2022.

We see that quantity of about 4 litres of liquor was



seized from the vehicle.

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 the remedy is available under the Bihar Prohibition and Excise Act, 2016 and the Rules framed thereunder.

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

**(K. Vinod Chandran, CJ)**

**( Madhuresh Prasad, J)**

Sunil/-

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