

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4744 of 2023

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Mohd. Mahbub Alam, Son of Ibrahim @ Md. Ibrahim @ Md. Bhola, Resident of Manoharpur, P.O. - Narayanpur, P.S. - Manihari, District - Katihar, at present resident of 75 A, H - Block, Phase - VI, Aya Nagar South Delhi, Delhi- 110047.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Prohibition, Excise and Registration Department, Government of Bihar, New Secretariat, Patna.
2. The Additional Chief Secretary Dept. of Excise and Registration, Government of Bihar, Patna.
3. The Commissioner, Excise, Bihar, Patna.
4. The District Magistrate-cum-Collector, Gopalganj, District - Gopalganj.
5. The Superintendent of Police, Gopalganj, District - Gopalganj.
6. The Excise Superintendent, Gopalganj, District - Gopalganj.
7. The Officer-in-Charge, Kuchaikote Police Station, District - Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kaushal Kumar, Advocate
For the Respondent/s : Mr. Vivek Prasad, GP-7

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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

1. The petitioner is aggrieved with the seizure of his Hyundai Creta Car bearing Registration No. HR 26 CW 1617 on 08.10.2020 with 10 liters of Beer. The petitioner lost throughout and the confiscation order has been confirmed by the Appellate and Revisional Authorities.

2. The petitioner claims release of his vehicle under Rule 12A of the Bihar Prohibition and Excise Rules, 2021



(hereinafter referred to as "Rules").

3. Learned counsel for the State, however, submits that the vehicle has already been auctioned.

4. We see that the petitioner had approached this Court for the very same relief regarding the very same seizure of the identical car, in which this Court had left the remedy of the amended provision of Rule 12A of the Rules and Section 57B of the Bihar Prohibition and Excise Act. However, the petitioner has not chosen to avail the said remedy.

5. In such circumstances, despite the Court's judgment dated 22.04.2022 passed in *C.W.J.C. No. 20798 of 2021* left liberty for the petitioner to approach this Court again on similar or subsequent cause of action, we see no reason why the writ petition should be entertained, especially when the vehicle has already been auctioned.

6. We dismiss the writ petition.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Sumit/Shashank-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.04.2023
Transmission Date	NA

