

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3493 of 2023

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Md. Shakil @ Md Sakil Son of Md. Rahamtullah, resident of village - Jita Chhapra, P.S. - Sahebganj, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principle Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Collector-Cum-District Magistrate, Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur.
5. The Superintendent of Excise, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, 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 Truck bearing Registration No. BR06GC8444, which was seized under Section 30(a), 36, 41 (i) of Bihar Prohibition and Excise Act, 2016 and an FIR being Motipur P.S. Case No.330 of 2022 was registered on 13.09.2022.

We see that quantity of 1073.4 litres of liquor was seized from the vehicle.



Learned counsel for the petitioner submits that he has not received any notice regarding confiscation proceedings.

Considering the large quantity of liquor recovered, we are not inclined to invoke the extraordinary writ jurisdiction under Article 226 of the Constitution of India, especially when a remedy is available under the Bihar Prohibition and Excise Act, 2016.

The writ petition stands dismissed leaving open the remedy of the petitioner to approach the appropriate authority for conclusion of proceedings and if concluded to avail the remedy provided under the Statute, provided the District Magistrate exercises such discretion.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	17.04.2023
Transmission Date	

