

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4847 of 2023

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Bhola Saw S/o Ram Prasad Sao, Resident of Kurthaul, Chanda Chauk,
Kurthaul P.S. Parsa Bazar, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through The Principle Secretary Excise Department Government of Bihar, Patna.
2. The Principle Secretary Excise Department Government of Bihar, Patna.
3. The Excise Commissioner, Bihar, Patna.
4. The District Magistrate, Gaya, Bihar.
5. Superintendent of Police, Gaya.
6. The Assistant Commissioner, Excise, Gaya.
7. The Station House Officer Dobhi, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nikhil Nishant
For the Respondent/s	:	Mr. Kumar Manish (SC-5)
		Ms. Shama Sinha, Advocate (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)

6 20-07-2023 In the instant petition, the petitioner has prayed for the
following relief(s):-

*“That this application is being preferred
for issuance of writ (s) order (s) direction (s) in the
nature of Mandamus commanding upon the
respondent authorities to release the vehicle i.e.
Mahindra Bolereo Pickup Bearing Registration
Number BR-01-GJ-5707 having Engine number
TBL1B28332 chassis no. MA1ZN2TBKL1B22029
standing in the name of the writ petitioner, and
seized in connection with excise case no. 263/2020*



*in the light of the order dated 23.05.2022 passed in
Excise Appeal No. 232/2022 by the Excise
Commissioner Bihar Patna.”*

2. The petitioner is not entitled to the afore-mentioned relief for the reasons that he was subjected to confiscation proceedings and it has attained finality and so also before the Appellate Authority. In the meanwhile, the subject matter of the vehicle is stated to have been auctioned.

3. In the light of these facts and circumstance, the present petition do not survive for consideration.

4. Accordingly, the present petition stands disposed of, reserving liberty to the petitioner to assail the confiscation proceedings order read with Appellate Authority's order before the Revisional Authority under Section 93 of Bihar Prohibition and Excise Act, 2016.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

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