

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5162 of 2023

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Makeshwar Kumar @ Mukeshwar Kumar, Son of Mishri Ray @ Mishrilal Ray, Resident of Village- Bangra Muja, Ward No. 12, P.S.- Deoria, P.O.- Bangra Muja, District- Muzaffarpur (Bihar).

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Prohibition and Excise Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Goalganj.
3. The Superintendent of Police, Gopalganj.
4. The Assistant Sub Inspector, Excise, Gopalganj.
5. The District Transport Officer, Gopalganj.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.
For the State : Mr. Kumar Manish (SC 5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 24-04-2023

The petitioner is concerned with his *KWID* car bearing Registration No. BR-06-BX-8792 Chassis No. MEEBBA000K3653678, Engine No. B4AA400E240951, which was seized in connection with Gopalganj Excise Case No. 84 of 2022 on 22-03-2022. The car was detained and on inspection, 164.160 litres of foreign liquor was recovered from the vehicle. The seizure was made by the police alleging an offence under Section 30(a) of the Bihar Prohibition and Excise Act.

Confiscation proceedings were initiated and concluded on



31-08-2022. The vehicle itself has been auctioned on 04-02-2023.

Learned counsel for the petitioner submits that he is ready to pay penalty for release of the vehicle under Section 12A of the Bihar Prohibition and Excise Rules, 2021.

Learned counsel for the State, however, on instruction submits that the petitioner had participated in the confiscation proceedings at first and then absented himself for nine occasions. It is only because of this reason the confiscation order was passed on 31.08.2022. After that no statutory remedy was availed by the petitioner. The vehicle also stood auctioned on 04.02.2023.

In such circumstances, nothing remains to be done and the writ petition would stand dismissed.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

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CAV DATE	
Uploading Date	
Transmission Date	

