

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5436 of 2023

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Satyam Bhardwaj son of Kumar Manoranjan, Resident of Mohalla-M.P. Bag,
P.S.-Ara Town, District-Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, East Champaran at Motihari.
3. The Assistant Excise Commissioner, East Champaran at Motihari.
4. The Superintendent of Excise, East Champaran at Motihari.
5. The Vehicle Inspector, East Champaran at Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate
For the Respondent/s : Mr.Vivek Prasad (Gp 7)
Ms.Supragya, AC to GP7

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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)

5 19-07-2023 In the instant petition, petitioner has prayed for the
following relief(s):-

*“(i) For release of
petitioner’s Maruti Ertiga car
vehicle bearing its Registration
Number as BR-01FX-9520,
Chassis No. MA3BNC6SNL
549757 and Engine No.
K15CN9126166 which has been
got seized in connection with
Raxaul P.S. Case No. 68 of 2029
registered for the offences
punishable under sections 30(a),
37 of the Bihar Prohibition and
Excise Act, 2023 on 10-02-2023,
seized for the alleged violation of*



Excise Laws.

(ii) Also for restraining the respondent authorities from initiation and completion of confiscation proceeding against petitioner's Maruti Ertiga car vehicle, bearing its Registration Number as BR-01FX-950, Chassis No. MA3BNC62SNL 549757 and Engine No. K15CN9126166, seized in connection with Raxaul P.S. Case No. 68 of 2023.

And

(ii) Also for restraining the respondent authorities from initiation and completion of confiscation proceeding against petitioner's Maruti Ertiga car vehicle, bearing its Registration Number as BR-01FX-9520, Chassis No. MA3BNC62SNL 549757 and Engine No. K15CN9126166, seized in connection with Raxaul P.S. Case No. 68 of 2023.

And

(iii) Also for any other relief/reliefs for which the petitioner is found entitled in the eye of law."

2. On 26.06.2023 the following order was passed:-

"Consistently the learned counsel for the petitioner has not appeared.

On the last posting date, after order dated 24.04.2023 directing provisional release of the vehicle, the learned Government Advocate submits that the vehicle has been provisionally released.

The learned Government



Advocate submits that a counter affidavit is required to be filed.

Counter affidavit shall be filed within a period of ten days from today.

Post on 19.07.2023.”

3. In the light of these facts and circumstances, and the fact that the petitioner vehicle is stated to have been released.

4. Accordingly, the present petition stands disposed of as it has become infructuous.

5. Reserving liberty to the concerned official respondent to secure surety or to take action under Rule 12A of the Bihar Prohibition & Excise Rules, 2021 read with Bihar Prohibition & Excise (Amendment) Rules, 2023 subject to the outcome of confiscation proceedings, in accordance with the relevant rules governing the confiscation proceedings.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

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