

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7063 of 2023

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Balajit Kumar @ Baljit Kumar @ Baljeet Kumar S/o Chhathu Singh R/O
Village- Nasriganj Yadav Tola, P.O.- Nasriganj, P.S.- Nasriganj, Dist.- Rohtas,
Pin Code- 821310

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Kaimur (Bhabua).
3. District Transport Officer Kaimur (Bhabua).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharad Shekhar, Advocate
For the Respondent/s : Mr. Anil Kr. Singh (GP-26)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-05-2023

1. The petitioner is concerned with the release of his vehicle bearing Registration No BR24T-2844, Engine No K10BN4836801, Chassis No MA3EWDE1S00B12751 which was seized under Section 30 (a) of Bihar Prohibition and Excise Act, 2016 and a First Information Report being Kaimur (Bhabua) Police Station Case No 249 of 2022 was registered on 19.08.2022.

2. The District Magistrate, Kaimur (Bhabua) proceeded with the confiscation proceedings as Excise Case No. 412 of 2022 and passed Annexure-4 order, against which an appeal was filed, which also stood dismissed vide order dated



20.02.2023.

3. We see that quantity of 203.400 litres of liquor was seized from the vehicle.

4. There is revisional remedy available against the order, but the petitioner has chosen to come to this Court with a writ petition.

5. We are not inclined to invoke the extraordinary remedy under Article 226 of the Constitution of India especially when the remedy of revision is available to the petitioner.

6. It is made clear that the petitioner would also be entitled to avail the remedy under Section 12A of the Bihar Prohibition and Excise Rules, 2021.

7. The above directions shall have effect only if the vehicle is not sold in auction or otherwise disposed off, till date.

8. With the above liberty, the writ petition is disposed of.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

sumit/shashank-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.05.2023
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