

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1381 of 2021

In
Civil Writ Jurisdiction Case No.8071 of 2020

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Amit Sharma, Son of Hem Chand Sharma, resident of Village-Siharri
Chamaran, P.S. and District-Solan (Himachal Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Chaitanya Prasad, Additional Chief Secretary, Excise Department, Govt. of Bihar, Patna.
3. Nawal Kishor Choudhary, the Collector, Gopalganj.
4. Anand Kumar, Superintendent of Police, Gopalganj.
5. Dipak Kumar Singh, Excise Inspector, Balthari Check Post District-Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Vikash Kumar (SC11)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

4 11-09-2023 The present MJC (contempt petition) is filed for

non-compliance of order dated 28.09.2020 passed in CWJC

No. 8071 of 2020.

2. The directions of this Court reads as under:-

“We further direct that all proceedings under Section 58 must positively be initiated/concluded within a period of ninety days from the date of appearance of the parties. Further, Appeal/Revision, if any, be also decided within a period of thirty days from the date of initiation, failing which the “things” (vehicle/property/etc.) shall be deemed to have been released in terms of



*several orders passed by this Court, reference whereof stands mentioned in **Bunilal Sah @ Munilal Sah (supra).***”

3. Before filing of the present contempt petition, on 08.02.2021 confiscation proceedings have been concluded and it was against the petitioner. The petitioner has not invoked the remedy of appeal before the appellate authority under Section 92 of the Bihar Prohibition and Excise Act, 2016. It is also reliably learnt that subject matter of motor vehicle was not released in favour of the petitioner and it was not auctioned.

4. In the light of these developments, the respondents have not committed contempt of Court so as to take action against the respondents for non-compliance of the order dated 28.09.2020.

5. Accordingly, the contempt petition stands dropped, reserving liberty to the petitioner to make necessary application under Section 12-A of the Bihar Prohibition and Excise Rules, 2021. If such application is submitted before the competent authority within a period of four weeks from the date of receipt of a copy of this Court, the concerned authority is hereby directed to pass suitable



order within a period of one month from the date of receipt of such application. Till then the concerned authority is hereby directed not to auction the subject matter of motor vehicle.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Balmukund/
DKS/-

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