

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8230 of 2023

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Shyampal @ Shyampal Singh Son of Bisamber Singh Resident of Village and
Police Station-sahpur District-Muzaffarnagar (UP)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Government of Bihar, Patna.
2. The Principal Secretary Excise, Government of Bihar, Patna.
3. The District Magistrate, Vaishali at Hajipur.
4. The Superintendent of Police, Vaishali at Hajipur,
5. The Excise Superintendent, District-Vaishali at Hajipur,
6. The Officer In Charge, Police Station Gangabridge, District Vaishali at Hajipur.
7. The Investigating Officer, P.S. Gangabridge, District Vaishali at Hajipur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravi Shanker Pankaj
For the Respondent/s : Mr.Kumar Manish (Sc5)

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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)

3 27-07-2023 In the instant petition, petitioner has prayed for the

following reliefs:-

*"This writ petition is being filed
for the issuance of writ/writs,
direction/directions, order/orders,
command/commands and filed for the
issuance of writ in the nature of
mandamus directing the Respondents
Authorities, Saran to release forth with the
12 wheeler Truck bearing Registration
No. UP12BT2280 having Chassis No.
MAT466422FHF03304 and Engine No.
SO3064651e634438 in favour of vehicle
owner, the petitioner, which has been*



seized while that was driven by another person in connection with Gangabridge P.S. Case No. 07/2021 dated 07.01.2021, registered under Sections 30(a)/36/41(1) of Bihar Prohibition and Excise Amendment Act, 2018 (herein referred as Excise Act, 2018), pending in the court of Exclusive Special Excise Court No. 1-cum-Additional District and Sessions Judge, Vaishali at Hajipur, which has been seized by informant PSI cum SHO, Gangabridge Police Station.

Petitioner further prays for issuance of writ in the nature of Certiorari to quash any confiscation proceeding if initiated or pending before Respondent No. 3 and order of auction of the aforesaid 12 wheeler Truck bearing Registration No. UP12BT2280 of Petitioner seized in connection with Gangabridge P.S. Case No. 07 of 2021 dated 07.01.2021.

Petitioner further prays for restraining the Respondents for auction as well as confiscation of the petitioner's above mentioned 12 wheeler Truck bearing Registration No. UP12BT2280 of petitioner if it will have been done during pendency of this writ petition.

Petitioner further prays for grant of any other relief/reliefs for which the petitioner found entitled in the facts and circumstances of this case be also given."

2. The petitioner is not entitled to the relief sought in the present petition for the reasons that petitioner has not participated in the confiscation proceedings despite issuance of



notice and notice through the newspaper etc. and further the subject matter of vehicle is already auctioned on 31.03.2023. In the light of these facts and circumstances, question of release of vehicle is not warranted at this belated stage. Accordingly, the present petition stands dismissed.

3. Dismissal of the present petition would not come in the way questioning the validity of order dated 31.03.2023 in appeal under Section 92 of the Bihar Prohibition and Excise Act, 2016 in accordance with law.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

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