

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2261 of 2017

Arising Out of PS. Case No.-73 Year-2017 Thana- BRAHMPURA District- Muzaffarpur

Vijay Sah S/o Late Dahaur Sah, Resident of Mohalla- Laxmi Chowk, P.S.-
Brahampura, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Excise Department,
Govt. Of Bihar, Patna
2. The Collector-cum-District Magistrate, Muzaffarpur.
3. The Senior Superintendent of Police, Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur.
5. The Station House Officer, Brahampura Police Station, District Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand
For the Respondent/s : Mr.Vikash Kumar Sc-11

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 21-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor.

The present application has been filed for quashing the order dated 20.07.2017, passed by the Collector-Cum-District Magistrate, Muzaffarpur in Confiscation Case No. 88 (Confiscation)/2017-18, whrereby and whereunder the vehicle (Tempo) of the petitioner bearing Registration.- BR 06PB-2496 has been confiscated under Sections 13, 30, 56, 58 of the Bihar Prohibition and Excise (Amendment) Act.

The confiscation proceeding can be challenged by the petitioner in an appropriate proceeding and this criminal writ is not maintainable in view of the law laid down by this Court



passed in the case of *Suman Kumar Sinha vs. State of Bihar and Ors. reported in 1995 (1) PLJR 213.*

Considering the above, this writ application is disposed of with a liberty to the petitioner to file appropriate application before appropriate authority/Court/Forum.

It is made clear that release of the vehicle (tempo) of the petitioner shall not be disturbed by the respondent authorities on account of disposal of this case.

(Sandeep Kumar, J)

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