

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9655 of 2022

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Debasis Das Son of Narayan Chandra Das, Resident of Village-Mira Bazar,
Kaliganj, District-Nadia, West Bengal, Pin -741156.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna.
2. The Additional Chief Secretary Excise, Bihar, Patna.
3. The District Magistrate, Begusarai.
4. The Superintendent of Police, Begusarai.
5. The Inspector of Police (Traffic), Begusarai.
6. The Sub Divisional Officer, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh
For the Respondent/s : Mr.Vivek Prasad (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)

8 11-07-2023 In the instant petition, petitioner has prayed for the

following relief(s):-

“1. That this is an application for issuance of a writ/rule/direction in the nature of mandamus commanding upon the respondent for release the vehicle (Truck) bearing Registration No. WB51B3842 which has been seized by Inspector (Excise) Begusarai, in connection with Special Case (Excise) Complain Case No. 79 (C) 2 of 2020, Under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016 and also quash the order dated 10.06.2022 (Annexure-1) passed in Excise Revision case no. 147 of 2020 passed by the Additional Chief secretary Excise, Bihar confirming the order passed by the Collector, Begusarai, which is pending in the Court of Learned Additional District and Session Judge-II cum Special Judge Excise, Begusarai.”



2. The subject matter of vehicle (Truck) bearing Registration No. WB51B3842 was involved in Case No. 79(C) 2 of 2020 under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. The petitioner's grievance does not survive for consideration in view of later development that the subject vehicle is stated to have been auctioned and third party right has created.

3. Learned counsel for the petitioner submitted that entire process is undertaken by the official respondents behind the back of the petitioner. In other words, petitioner has not been heard in the proceedings, if it is so, at this distance of time, it is not practicable to entertain the petitioner's grievance insofar as releasing the vehicle, which has been auctioned and third party right has been created. At the best, petitioner is entitled to file a suit for damages.

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

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

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