

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14174 of 2023

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Manoj Kumar Mahto, Son of Shiv Ratan Mahto, Resident of Village- San
Sariya, ward no.13 Tola-Son Soraiya, Police Station- Nautan, District- West
Champaran.

... .. Petitioner

Versus

1. The State of Bihar Through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate, West Champaran at Bettiah.
3. The Additional District Magistrate, Bettaih, West Champaran.
4. The Superintendent of Police, West Champaran at Bettiah.
5. The Officer in-charge Bettiah Muffasil, Bettiah, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate
For the Respondent/s : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 07-11-2023

In the instant petition, the petitioner has prayed for
the following reliefs:

*“(i) For releasing the residential house of
the petitioner situated at Khatta No. 10, Khesra
Non 679/7, raqba 03 decimal which was sealed
and confiscated in connection with Bettiah Muffasil
Police Station Case No. 605 of 2021 dated
23.10.2021.*



(ii) To quash the order dated 26.05.2023 passed in C.R.M. Case No. 1273/2021-22 by learned Additional District Magistrate, Bettiah, West Champaran.

(iii) For any other relief/reliefs for which petitioner is found entitled in the facts and circumstances of this case.”

2. Prayer no.1 has become redundant in view of the fact that petitioner has suffered order in the confiscation proceedings in C.R.M. Case No. 1273/2021-22 at the hands of Additional District Magistrate, Bettiah, West Champaran on 26.05.2023.

3. Second prayer is for quashing of confiscation proceedings dated 26.05.2023, the petitioner has remedy of appeal before the Appellate Authority. Without exhausting the remedy of appeal, petitioner has approached this Court insofar as quashing the confiscation proceeding dated 26.05.2023. Accordingly, the present petition is premature insofar as deciding the validity of confiscation proceeding dated 26.05.2023.

4. Accordingly, present petition stands disposed of as not maintainable. Disposal of the present petition would not



be a hurdle for the petitioner to invoke remedy under Section 92 of the Bihar Prohibition and Excise Act, 2016 in filing Appeal before the Appellate Authority. The Appellate Authority is hereby directed to decide the petitioner’s appeal in the event of filing Appeal and it is to be decided within a reasonable period of three months from the date of filing Appeal.

5. Accordingly, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.11.2023
Transmission Date	NA

