

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11397 of 2023

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Sukhwinder Singh son of Chand Singh, Resident of Village-Lohatbaddi,
Tehsil-Raikot, District-Ludhiana (Punjab).

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Bihar Excise Department at Patna.
2. The Commissioner, Bihar Excise Department at Patna.
3. The Collector, District of Supaul at Supaul.
4. The Sub-Divisional Magistrate, Supaul at Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhim Kumar Yadav, 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 ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 22-08-2023

Heard learned counsels for the parties.

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

"(i) For setting aside
order dated 12.01.2022 passed in
Vehicle Confiscation Case No.
71/2021 by Sub-Divisional Magistrate,
Supaul whereby and whereunder
Truck bearing Registration No. PB-
10CU-8086, Engine No. WAEO
18021Y, Chesis No.
MB1A3KFC2ARVB3096 was
confiscated in connection with
Kishanpur P.S. Case No. 168/2021 for
offence under Section 30(a) of Bihar



Prohibition and Excise (Amendment) Act, 2018 and further directed to sale in auction.

(ii) For giving direction to Respondent authority, after setting aside auction dated 11.10.2022 to handover the vehicle in question to the petitioner.

(iii) And for any other order/ orders, direction/directions, as this Hon'ble Court thinks fit and proper in the facts and circumstances of the case of the petitioner."

3. The present writ petition is not maintainable in view of the fact that petitioner has remedy of appeal before the appellate authority.

4. Learned counsel for respondent-State submitted that petitioner has no locus since he is not owner of the subject-matter of motor vehicle- Truck bearing Registration No. PB-10CU-8086, which was confiscated in connection with Kishanpur P. S. Case No. 168 of 2021 for the offences under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

5. Learned counsel for the petitioner submitted that petitioner had purchased the aforementioned vehicle on 19.09.2019 whereas the F.I.R. was registered on 02.09.2021. As on 02.09.201 petitioner had not got changed the ownership with reference to his purchase of the aforementioned vehicle



on 19.09.2019. Therefore, petitioner has no locus standi.

6. Accordingly, the present writ petition stands disposed of as the same is not maintainable. Reserving liberty to take appropriate remedy.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

rakhi/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	25.08.2023
Transmission Date	N.A.

