

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10816 of 2023

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Ritesh Kumar Bharti (Male), aged about 25 years, Son of Vishnu Kant Bharti,
Resident of Kurji, (Behind Jaipuriya School), P.S. - Khagaul, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Prohibition and Excise Department, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Excise Commissioner, Bihar, Patna.
4. The Assistant Excise Commissioner, Bhojpur at Ara.
5. The Collector cum District Magistrate, Bhojpur at Ara.
6. The Sub-Divisional Officer, Bhojpur at Ara.
7. The Superintendent of Police, Bhojpur at Ara.
8. The Officer in -Charge, Excise P.S. Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, 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 JITENDRA KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 07-08-2023

Heard learned counsels for the respective parties.

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

“That, this writ application is being filed for issuance of appropriate writ/ writs, order/ orders, direction / directions to the respondents authority in nature of certiorari for setting aside the order dated 24.04.2023 passed by learned Collector cum District



Magistrate, Bhojpur at Ara contained in Memo No. 843 dated 25.04.2023 in Misc. (Excise) Case No. 219 of 2023 whereby and whereunder it has been refused to release the seized Maruti Swift Case bearing Registration No. BR01EL7795 having Chasis No. MBHCZC63SKH464615 and Engine No. K12MP 1078092, Year of Manufacture- 2019, in favour of the petitioner, which has been seized in connection with Excise P.S. Case No. 201 of 2023 dated 06.03.2023 registered for the offences alleged under section 30(a) and 37 of Bihar Prohibition and Excise Act, 2018, the petitioner under the provision of the Excise Act filed Form -IV in terms of Section 57(1) of the Act, before the Collection cum District Magistrate with a prayer to deposit the summon amount to release the vehicle but being prejudiced, violating the rule, arbitrarily unlawfully passed the impugned order despite of having nothing on the record of use of vehicle for similar offence, hence this application.”

3. The petitioner without exhausting the statutory remedy available to him, has presented this writ petition.

4. Accordingly, present writ petition stands disposed of reserving liberty to the petitioner to prefer appeal before the appellate authority. In the event of filing appeal, the appellate authority is hereby directed to take note of petitioner's memorandum of appeal including any request for grant of interim direction/order/stay application shall be considered within a period of one week from the date of filing of memorandum of appeal by the petitioner.



5. With the above observation, writ petition stands disposed of.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.08.2023
Transmission Date	NA

