

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11523 of 2023

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Salendar Yadav Son of Babulal Yadav, resident of village- Babupur, Police Station - Katoria, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Excise Department, Government of Bihar, Patna.
3. The District Magistrate, Banka.
4. The Senior Superintendent of Police, Banka.
5. The Deputy Superintendent of Police, Banka.
6. The Officer-in-charge, Katoria Police Station, Katoria, Banka.
7. The Investigating Officer, Katoria Police Station No. 471 of 2022.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Respondent/s : Mr. Kumar Manish (SC5)

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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 : 29-08-2023

Heard learned counsel for the respective parties.

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

"For grant of appropriate writ for a direction upon the Respondents concern to release the tractor of the petitioner bearing Registration No. BR 51G 5451 and the trailer attached with the said tractor bearing Registration No. BR 51G 8701 seized in connection with Katoria P.S. Case No. 471 of 2022, registered for the offences under section 30(a) Bihar Prohibition and Excise Act, 2022."



3. The petitioner is not entitled to the aforementioned relief for the reasons that petitioner is stated to have invoked remedy under Rule 12-A of Bihar Prohibition and Excise Rules, 2021 (for short 'Rules, 2021) and in such a proceeding he has been penalized on 30.06.2023. He has not questioned the validity of order dated 30.06.2023. The petitioner has further remedy under Rule 13 of Rules, 2021 insofar as examination of the order dated 30.06.2023, even such remedy has not been exhausted by the petitioner. Thus, the petitioner has not approached this Court with clean hands. On the other hand, he has suppressed the material information. Accordingly, the present writ petition stands dismissed.

4. Dismissal of the present petition would not be a hurdle in filing appeal under Rule 13 of the Rules, 2021.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Vikash/-

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

