

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11508 of 2023

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Kanchan Kumari wife of Prakash Raut, Resident of Village - Bhawanandpur
P.S. -....., District – Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Superintendent of Police, Samastipur.
4. The Officer-In-Charge, Warisnagar Police Station, District - Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, 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 respective parties.

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

"(i) For issuance of a writ in the nature of mandamus directing and commanding the respondent to release Maruti Vehicle bearing Registration no. BR09AL9914 of the petitioner which has seized in Warisnagar (Mathurapur OP) P.S. Case no. 104 of 2022 dated 03.04.2022 instituted for the offence u/s 30(a) of the Bihar Prohibition And Excise (Amendment)



Act and Section 18(c) of the Drug and Cosmetic Act.

(ii) To grant any other relief/reliefs, order/orders for which the petitioner is entitle under law as well as on fact."

3. In the present case, confiscation proceeding has attained finality. Petitioner has statutory remedy of filing appeal before the Appellate Authority under Section 92 of Bihar Prohibition and Excise Act, 2016 (for short 'Act, 2016'). Further, she has also remedy of filing revision in the event of order of appellate authority being adverse to him under Section 93 of the Act, 2016. The petitioner is permitted to file separate application for staying auction proceedings along with appeal, if any, before the appellate authority. Appellate authority is hereby directed to decide the petitioner's interim prayer for stay of auction proceedings within a period of of one week from the date of submission of memorandum of appeal along with Interlocutory Application. In the meanwhile, the concerned authority is hereby directed not to proceed with the auction till appellate authority passes an order on the petitioner's interim prayer for stay of auction proceedings. The petitioner is also permitted to file independent representation/ap-plication under Rule 12-A of Bihar Prohibition and Excise Rules, 2021.



4. With the aforesaid observations, the present writ petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Vikash/-

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

