

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12009 of 2023

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Sandeep Sah Son of Harilal Sah, resident of Village-Kabirpur, P.s. Sidhwaliya, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Prohibition and Excise, Govt. of Bihar, New Secretariate, Patna.
2. The Excise Commissioner, Department of Prohibition and Excise, Govt. of Bihar, New Secretariate, Patna.
3. The District Magistrate, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Sub Divisional Magistrate, Gopalganj.
6. The Superintendent of Police, Gopalganj.
7. The Officer-in-Charge, Mahammadpur Police Station, Dist-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhramveer, 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 : 29-08-2023

Heard learned counsel for the respective parties.

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

"That this present writ application is being filed on behalf of the petitioner for quashing/ setting aside the impugned order dated 26.06.2023, passed by the Excise Commissioner, Bihar, Patna, passed in Excise Appeal No. 58 of 2023, wherein and whereby the Learned Excise Commissioner, Bihar, Patna



has rejected the Excise Appeal of the petitioner and further upheld the confiscation order passed by the Court of Sub-Divisional Officer/ Magistrate, Gopalganj in Sub-Division Confiscate (Excise) Case No. 169 of 2023 and further be pleased to direct the Respondents to release the seized Hero Splender Motorcycle bearing Reg. No. BR 28X-9014, Chesis No. MBLJAW173LGM03756, Engine No. JA07ABLGM04016 in favour of the petitioner who is owner of the motorcycle."

3. In terms of Section 93 of Bihar Prohibition & Excise Act, 2016, the petitioner has statutory remedy of filing revision against the appellate authority's order dated 26.06.2023 passed by the Excise Commissioner, Bihar, Patna passed in Excise Appeal No. 58 of 2023. He has also statutory remedy of approaching the concerned authority under Rule 12-A of Bihar Prohibition & Excise Rules, 2021 (for short 'Rules, 2021'). His application under Rule 12-A of the Rules, 2021 was rejected and suffered an order on 25.03.2023. The petitioner has further remedy under Rule 13 of the Rules, 2021 and he is at liberty to invoke remedy under Rule 13 of the Rules, 2021. If such application is filed before the competent authority, the competent authority is hereby directed to consider the grievance of the petitioner under Rule 13 of the Rules, 2021 at the earliest.



4. With the above 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

