

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11904 of 2023

Shilpi Kumari @ Shelpi Kumari Daughter of Omprakash Singh, wife of Abhishek Kumar Singh, resident of Village and Post- Sondhani, P.S.- Bhagwanpur, District- Siwan, presently residing at Village- Samstpura, P.S.- Mashrakh District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and Excise Department, Government of Bihar, Patna.
2. The Commissioner Excise, Bihar, Patna.
3. The District Magistrate, Gopalganj, At and P.O.- Gopalganj, District- Gopalganj,
4. The Superintendent of Police, Gopalganj, At and P.O.- Gopalganj, District- Gopalganj.
5. The Excise Superintendent, Gopalganj, At and P.O.- Gopalganj, District- Gopalganj.
6. The Station House Officer, Barauli Police Station, District- Gopalganj.
7. The Investigating Officer of Barauli, P.S.- Case No.90 of 2023, P.O. and P.S.- Barauli, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar
For the Respondent/s : Mr. Kumar Manish (Sc5)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

2 23-08-2023 In the instant writ petition, petitioner has prayed for the following relief/reliefs:

“(a) To issue an appropriate writ/order/direction in the nature of mandamus directing the Respondents Authorities to release the Black Colour Glamour Motorcycle in favour of the petitioner bearing Registration No. BR29AW3109, Chassis Number – MBLJAW156NGA02092, Engine Number- JA07AFNGA02931 in accordance with



Rule 12A of the Bihar Prohibition and Excise (Amendment) Rules, 2023 ,which has been seized in connection with Barauli P.S. Case No. 90 of 2023 dated 26-02-2023 registered for the alleged offences punishable under sections 30(a)/37 of the Bihar Prohibition and Excise (Amendment) Rules, 2022.

(b) To grant any other relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of the case.”

2. Learned counsel for the respondents, on instruction, submitted that subject matter of motorcycle bearing Registration No. BR29AW3109 has been auctioned pursuant to the confiscation order. Therefore, the present writ petition is not maintainable.

3. Accordingly, writ petition stands disposed of as not maintainable.

4. Disposal of the present writ petition would not be a hurdle for the petitioner to invoke remedy against the confiscating authority's order in filing appeal under Section 92 and further Revision under Section 93 of the Bihar Prohibition and Excise Act, 2016.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

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