

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15210 of 2022

=====

Pramod Kumar Ray, Son of Vishnu Dev Ray, Resident of Ward No. 1, Ram Chandrapur Andhail Pataili, P.S. - Ujiarpur, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Bihar, Patna.
2. The Commissioner, Excise Prohibition Patna.
3. The Collector, Bhabua, Kaimur.
4. The Superintendent of Police Bhabua, Kaimur.
5. The Inspector, Excise Prohibition, Mohania Bhabua, Area, Bhabua.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Gaurav Kumar Verma, Advocate
For the Respondent/s : Mr. Kumar Manish (SC-5)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-05-2023

1. The petitioner is aggrieved with the auction conducted of his vehicle bearing Registration No. BR-01PJ-7847, Chassis No. MA1XM2WJXJ5K54411 and Engine No. WJJ6K88051, which was seized pursuant to an FIR registered under Bihar Prohibition and Excise Act as Excise Case No. 618 of 2019. The FIR was registered on 25.08.2019 on recovery of 17.28 litres of illicit liquor from the petitioner's vehicle.

2. The confiscation proceedings were initiated as Confiscation Case No. 158 of 2019, which was concluded by order dated 13.02.2020. An appeal was filed which was also disposed of on 03.09.2020. The petitioner had approached this



Court in CWJC No. 4033 of 2021, which was disposed of by order dated 05.07.2021, directing the petitioner to approach the revisional authority. Before the revisional authority also, the petitioner failed and the revision was rejected by order dated 24.12.2021. The vehicle was auctioned on 06.09.2022.

3. The petitioner claims that there was no notice issued to him before the auction was conducted.

4. However, we see that the auction was conducted long after the revision was filed. The petitioner had been pursuing his remedy diligently and had also approached this Court once. The petitioner could have very well filed an application under Rule 12A of the Bihar Prohibition and Excise Rules, 2021, which was also not done by the petitioner. The vehicle having been auctioned of, there is nothing that can be done in the writ petition filed two months after the auction was conducted.

5. The writ application would stand dismissed.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

shashank/sumit-

AFR/NAFR	
CAV DATE	
Uploading Date	10.05.2023
Transmission Date	

