

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1354 of 2021

Arising Out of PS. Case No.-82 Year-2020 Thana- KHAGAUL District- Patna

BIJAY SHANKER CHATURVEDI S/o Sri Ram Bachchan Chobey R/o
Bungalow No. 25, Officers Colony, Dinapur-Cum- Khagaul, P.S. - Khagaul,
Dist.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Prohibition and Exise Department. Bihar
3. The Divisional commissioner, Patna. Bihar
4. The District Magistrate, Patna. Bihar
5. The Senior Superintendent of Police, Patna. Bihar
6. The Superintendent of Police, Patna. Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Varun Kumar Trivedi
For the Respondent/s : Mr. Vikash Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 4 25-08-2023 1. Heard learned counsel for the parties concerned.
2. The present writ application has been filed for direction to the respondent authorities to initiate confiscation proceeding in Special Excise Case No. 2935 of 2020 arising out of Khagaul Police Station Case No. 82 of 2020, dated 20.03.2020, registered under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act,



2018.

3. The scooty of the petitioner has been said to be seized by the police, bearing Registration No. BR01EQ-9207, during routine check in which illicit liquor was recovered. There is a provision for confiscation of the conveyance of the vehicle under Section 60 of the Bihar Prohibition and Excise (Amendment) Act, 2018.
4. Learned counsel for the State submits that confiscation proceedings, as per the statute, was initiated for confiscation of the seized scooty and that has been culminated in the final order having been passed by District Magistrate, dated 18.02.2021, in Confiscation Case No. 2065 of 2021.
5. The petitioner, instead of filing an appeal, has approached this Court for initiation of confiscation proceeding, which is entirely misconceived.
6. Having heard learned counsel for the parties and taking into consideration the fact that the confiscation proceeding has now been concluded and the scooty has been confiscated, accordingly, this application is dismissed with liberty to the petitioner to file an appeal in accordance with law.



7. With the aforesaid observation and direction this application is dismissed.

(Anil Kumar Sinha, J)

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