

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13036 of 2023

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Pradeep @ Pradeep Chauhan Son of Bahadur @ Bahadur Chauhan, Resident of Village- Mujari @ Mujuri Tola, P.S.- Paniyara, District- Maharajganj (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Old Secretariat, Patna.
2. The Additional Chief Secretary, Bihar, Patna.
3. The Sub-Divisional Magistrate, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Superintendent of Prohibition, Gopalganj.
6. The A.S.I. Mohammadpur, Police Station, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate
For the Respondent/s : Mr. Vivek Prasad, GP 7

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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 : 22-09-2023

Heard learned counsels for the respective counsels.

2. In the instant writ petition, petitioner has prayed for the following relief/reliefs:

“i) To issue an appropriate writ or order/orders for setting aside the order dated 02.06.2023 passed in confiscation (Excise) Case No. 213/2023 by learned Sub-Divisional Magistrate, Gopalganj.



ii) For direction to the Respondents to release the seized vehicle bearing Reg. no. UP56AT3078 having Engine No. TNM1K84095, having Chassis No. MA1ZU2TNKM1K72015 in favour of petitioner in connection with Mohammadpur P.S. Case No. 20/2023.

iii) To any other relief(s) for which the petitioner may be found entitled to in the peculiar facts and circumstances of the case.”

3. The petitioner has remedy of appeal before the appellate authority against the order dated 02.06.2023 passed in Confiscation (Excise) Case No. 213 of 2023. Therefore, the present writ petition is premature. Accordingly, the present writ petition stands disposed of as not maintainable.

4. Disposal of the present petition would not be a hurdle for the petitioner to invoke remedy before the appellate authority under Section 92 of the Bihar Prohibition and Excise Act, 2016 or in the alternative he is permitted to submit representation or application under Rule 12 – A of Bihar Prohibition and Excise Rules, 2021. If such application/representation in the prescribed form or appeal is filed, the concerned authority is hereby directed to take note and decide the petitioner's grievance within a period of three weeks from the date of receipt of such application/appeal.

5. Petitioner is also permitted to file an application for staying the operation of confiscation order dated 02.06.2023 in the



appeal. In that event, the appellate authority is hereby directed to take note of and pass suitable order whether petitioner is entitled to interim order stay or not?

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.09.2023
Transmission Date	NA

