

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14892 of 2022

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Shiv Shankar Thakur, Son of Rajendra Thakur @ Rajendra Prasad Thakur
Resident of Village- Lattipur, Police Station- Bihpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Banka.
4. The S.H.O., Nawada Bazar, (Rajoun) Police Station.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Advocate

For the Respondent/s : Mr.Kumar Manish (SC-5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-05-2023

The petitioner is concerned with his vehicle (Tata-Indigo Car) bearing Registration No. BR-10W-2870, Chassis No. MBT611436BPK82242. The same was seized by an FIR being Nawada Bazar (Rajoun) P.S. Case No. 331/2019 on



04.08.2019 for the reason of recovery of 2.250 liters of illicit liquor from the vehicle. A confiscation proceeding was initiated by the District Magistrate which entered in an order dated 19.06.2020. The petitioner admittedly was a part of the proceedings. There was an appeal provided under the statute which was not availed of. The petitioner approached this Court with a writ petition which was disposed of by Annexure-2 judgment on 26.03.2021 directing the petitioner to avail the appellate remedy. However, by that time, the vehicle was auctioned on 27.01.2021.

The learned counsel for the petitioner submits that the writ petition was filed in October, 2020 and a notice was served on the learned Government Pleader. It is also submitted that the learned Government Advocate had a duty to inform the authorities. In fact, if a writ petition was filed in October, there was nothing preventing the petitioner from moving the writ petition and/or getting a stay order on the same. The petitioner had also by-passed the appellate remedy. The petitioner kept the writ petition pending till it was disposed of by Annexure-2 directing an appeal to be filed within which time the vehicle was auctioned as per the proceedings taken on 27.01.2021.

We are of the opinion that nothing can be done in



the writ petition and the same stands dismissed.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Jagdish/-

AFR/NAFR	NAFR
CAV DATE	N/A
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