

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13740 of 2023

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Sunita Devi W/o Late Ajay Kumar, R/o Mohalla- New Area Patel Gali, P.S.-
Dehri, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise New Secretariat Patna, Bihar.
2. The Commissioner, Excise New Secretariat, Bihar, Patna.
3. The District Magistrate, Rohtas.
4. The Superintendent of Police, Rohtas, Sasaram.
5. The Officer- in- Charge, Dehri Police Station, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

4 23-11-2023 In the instant petition petitioner has prayed for the
following reliefs:

“That this is an application for an appropriate writ order/orders, direction to the respondent authority for setting aside the order dated 1.8.2023 passed in Confiscation Case No.13/2022 by Respondent no.3 District Magistrate, Rohtas whereby direction was given to the petitioner to deposit fine of Rs.700000/- (Seven Lakh) which is illegal and excessive fine and against the principle laid down under section 12(b) and 57(2) Bihar Prohibition



and Excise Rule, 2021 even in the face of willingness of the petitioner to deposit reasonable fine opposed on proportionate portion of the room which is seized premises and pass such any other order/orders as this Hon'ble Court may deem fit and proper under the circumstances of the case."

2. The petitioner has statutory remedy of appeal and revision. It is reliably learnt that the petitioner has already exhausted the remedy of appeal and revision, however he has failed to question the outcome of appeal as well as revision. Therefore, the present writ petition is not maintainable, accordingly writ petition stands dismissed.

3. Dismissal of the present petition would not be a hurdle in filing fresh writ petition in so far as challenging the Confiscating Authority order/ Appellate Authority order or Revisional Authority order, if any.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

Prakash Narayan

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