

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16970 of 2022

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Dhiraj Kumar Singh, Male, aged about 48 years, s/o Late Ashok Bahadur Singh, R/o Muhalla-Subhash Nagar Dakra College, Dakra, Khalari, P.S.-Khalari, District-Ranchi, Jharkhand.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Government of Bihar, Old Secretariat, Bihar, Patna.
2. The Excise Commissioner, Excise Department, Govt. of Bihar, Patna.
3. The District Magistrate-cum-Collector, Aurangabad (Bihar).
4. The Superintendent of Police, Aurangabad (Bihar).
5. The S.H.O. Mandanpur Police Station, District-Aurangabad (Bihar).

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Dhaneshwar Prasad Gupta with Mr. Lal Bahadur Singh, Advocates
For the State	:	Ms. Shama Sinha, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 27-03-2023

The petitioner's vehicle (Maruti Suzuki Ertiga) was seized by the police officials on 30.03.2019 upon recovery of huge quantity of illicit liquor from the said car. A criminal case was registered and a confiscation proceeding was initiated in accordance with the provisions under the Bihar Prohibition and Excise Act, 2016. The District Magistrate, Aurangabad, after giving the petitioner an opportunity of hearing, by an order dated 10.02.2020, directed for confiscation of the said vehicle. The



petitioner put to challenge the said order of the District Magistrate by filing a writ application before this Court, which was disposed of by an order dated 10.05.2022 with a liberty to the petitioner to avail statutory remedy. The petitioner's vehicle was, in the meanwhile, auction sold on 18.01.2022. It is worthwhile mentioning that before the vehicle was auction sold, petitioner's appeal and revision against the order of the Confiscating Authority were also dismissed.

2. The petitioner, in the present writ application, is seeking direction to the respondents to release the said vehicle upon setting aside the order dated 08.08.2022 passed in Misc. Case No. 88 of 2022 by the District Magistrate, Aurangabad (Bihar), which was, apparently, passed in the light of this Court's order dated 10.05.2022 passed in C.W.J.C. No. 6054 of 2022.

3. Learned counsel appearing on behalf of the petitioner has submitted that after coming into force of amending provision on 5th April, 2022, vehicle is liable to be released upon payment of the 50% of the ensured value of the vehicle. The fact remains that before coming into force of the amending provisions, the petitioner's vehicle was already auction sold.

4. The petitioner has not been able to convince this Court that the orders passed by the Confiscating Authority, the



Appellate Authority or the Revisional Authority are legally infirm.
As the petitioner’s vehicle has already been auction sold upon its
confiscation after following due process of law no relief of any
nature can be granted in the present proceeding.

5. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, ACJ)

(Madhuresh Prasad, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.03.2023
Transmission Date	N/A

