

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15336 of 2023

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Ravina Kumari @ Rabna Kumari, aged about 23 years, Female Wife of Rohit Raj, Resident of Village- Rajepur, P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise Prohibition and Registration, Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur.
5. The S.H.O. of Kanti, P.S. Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Vivek Prasad, GP 7
		Ms. Supragya, AC to GP 7
		Ms. Roona, AC to GP 7
		Ms. Manisha Singh, AC to GP 7
		Mr. Sanjay Kumar, Ac to GP 7

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 08-11-2023

In the instant petition, the petitioner has prayed for the following reliefs:-

(i) To issue an appropriate order/s, direction/s including a writ preferably in the nature of CERTIORARI to quash the order dated 27.07.2023 passed in confiscation case no. 314/2022-23 passed by senior Deputy collector, Muzaffarpur (Herein referred as the confiscating officer) arising out Kanti P.S. Case No. 578 of 2022 registered under Sections 30(a),32(i)(ii),



36, 41(i), 37 Bihar Prohibition & Excise Act 2016-18 whereby and whereunder the sized Alto Car bearing Reg No. BR06CT-0159, Engine No. REVTRN10EYXM83193, Chasis No. MAT632101MPEJ1265 in favour of the petitioner Annexure-P/4

(ii) To direct the respondent no. 3 to release the Alto Car henceforth with taking into the consideration the same is lying open in the sky subject to Speedy decay.

2. Petitioner's Motor Vehicle - Alto Car bearing Registration No. BR06CT-0159 is alleged to have involved for the offences under Sections 30(a), 32(i) (ii), 36, 41(i) and 37 of the Bihar Prohibition and Excise Act, 2016 (for short Act '2016').

3. The petitioner has question the validity of the confiscation proceedings in Confiscation Case No. 314/2022-2023 dated 27.07.2023 passed by the Senior Deputy Collector, Muzaffarpur arising out of Kanti P.S. Case No. 578 of 2022.

4. The petitioner without exhausting remedy of appeal under Section 92 read with Rule 20 of Bihar Prohibition and Excise Rules, 2021 (for short Rules, 2021) has rushed to this Court. In other words, the present writ petition is pre-mature.

5. Parallely, the petitioner has another remedy in so far as seeking release of the subject matter of Motor vehicle under Rule 12-A of the Rules, 2021. In other words, petitioner has two



types of remedies for the purpose of release of the subject matter of Motor Vehicle and it has not been exhausted.

6. Accordingly, the present petition stands disposed of reserving liberty to the petitioner to invoke both the remedy or either of the remedy in so far as release of the subject matter of the Motor vehicle.

7. With the above observation, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

Anand Kr.

AFR/NAFR	
CAV DATE	
Uploading Date	10.11.2023
Transmission Date	

