

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16083 of 2023

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Sabindra Kumar Singh Son of Late Rajeshwar Singh, Resident of Village-
Baijalpur Kesho, P.O. and P.S.- Sonapur, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise, Prohibition and Registration Department, Government of Bihar, Patna.
2. The Deputy Secretary (Excise Court), Excise, Prohibition and Registration Department, Government of Bihar, Patna.
3. The Collector, Patna, District- Patna.
4. The Collector, Saran at Chapra.
5. The Sr. Superintendent of Police, Patna.
6. The Ofifcer-in-Charge Athmal Gola Police Station, Barh, District- Patna.
7. The Officer-in-Charge Sonapur Police Station, Sonapur, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh, Advocate
For the Respondent/s : Mr. Kumar Pankaj AC to SC- 5

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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 : 09-11-2023

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

*"For setting aside the
confiscation Case No. 177 of 2023-24
passed by respondent No. 2 (Annexure- 3)
and further for issuance of a writ in the
nature of writ of Mandamus commanding
the respondent for immediate release of
Motorcycle in Athmalgola P.S. Case No.
14 of 2023."*



2. Petitioner has assailed the show cause notice insofar as initiation of confiscation proceedings. Under Article 226 show cause notice cannot be interfered unless and until it is in violation of any statutory provision or show cause notice issued by incompetent authority. Both the grounds are not available to the petitioner. Therefore, no interference is called for insofar as impugned show cause notice is concerned. In fact, Hon'ble Apex Court in the case of **Union of India and Another v. Kunisetty Satyanarayana** reported in **(2006) 12 SCC 28** and **Secretary, Ministry of Defence and Others v. Prabhash Chandra Mirdha** reported in **(2012) 11 SCC 565** wherein it is held that writ Courts cannot interfere with the show cause notice unless and until it is in violation of any statutory provision or issued by the incompetent authority. The same principle is applicable to the case in hand. Therefore, petitioner has not made out a case. Accordingly writ petition stands dismissed.

3. Dismissal of the present writ petition would not be a hurdle for the petitioner to invoke remedy under Rule 12-A of Bihar Prohibition and Excise Rules, 2021. If the petitioner files/presents application in the prescribed form No. 4 insofar as releasing of subject matter of motor vehicle. The same shall be considered by the concerned authority. The concerned authority is



hereby directed to examine the grievance of the petitioner and proceed to pass orders within a period of three weeks from the date of receipt of such application.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

Vikash/-

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

