

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16124 of 2023

=====

Aman Kumar Son of Sushil Kumar Tiwari Village- Bishundatpur, P.S.- Kanti,
Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Prohibition Excise and Registration Department
Govt of Bihar, Patna.
3. The Excise Commissioner, Prohibition Excise and Registration Department
Govt. of Bihar, Patna.
4. The District Transport Officer, Gopalganj.
5. The District Magistrate-cum-Collector, Gopalganj.
6. The Superintendent of Excise, Gopalganj.
7. The Inspector of Excise, Gopalganj.
8. The Station House Officer, Kuchaikote P.S., Gopalganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dipak Kumar
For the Respondent/s : Mr. Vikash Kumar (SC-11)

=====

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:-

*"(i) issuance of order direction or
writ in the nature of certiorari for call for
the records of the confiscation proceedings
pertaining to the vehicle (Registration No.-
BR-06-CD-7548) of the petitioner and
quash the order of confiscation and return
the vehicle of the petitioner or to provide
necessary relief.*



(ii) For issuance of order, direction or writ in the nature of mandamus directing the respondent authorities to compensate the petitioner after quashing the order of confiscation.

(iii) For granting any other relief or reliefs to which the petitioner may be found entitled to in the facts and circumstances of this case."

2. The petitioner's motor vehicle bearing Registration No. BR-06-CD-7548 is stated to be involved in Kuchaikote P.S Case No. 496 of 2021 dated 22.11.2021 for the offences under section 30(a) and 37(b) of Bihar Prohibition and Excise (Amendment) Act, 2018. Faced with the aforementioned material, the concerned officials were stated to have initiated confiscation proceedings and it has attained finality. It is submitted that the final orders passed in the confiscation proceedings has not been made available to the petitioner. Therefore, petitioner has sought for calling the records. If the final order passed in the confiscation proceedings was not made available to the petitioner in that event petitioner has remedy of filing application under Right to Information Act, 2005. That apart, the petitioner has remedy of filing appeal before the appellate authority. Both the remedies have not been exhausted before filing the present petition. Therefore, the present petition cannot be entertained. Accordingly, the present writ petition stands dismissed.



3. Dismissal of the present petition would not be a hurdle for the petitioner to file Appeal or a fresh petition with the materials available, if any and in accordance with law.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

Vikash/-

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

