

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1856 of 2024

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Rajan Kumar Son of Sunil Kumar Jha Resident of Village- Bambaiya Harlal
P.S.- Dalsinghsarai, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar Through Secretary cum Excise Commissioner Prohibition, Excise and Registration Department, Government of Bihar, Patna.
2. The District Magistrate cum Collector, Samastipur.
3. The Deputy Collector Land Reforms, Rosera.
4. The Superintendent of Police, Samastipur.
5. The Station House Officer Bibhutipur, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
For the Respondent/s : Mr. Government Pleader 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)

2 07-02-2024 In the instant petition, petitioner has prayed for the
following reliefs:-

“(i) For issuance of an appropriate order, direction, writ in the nature of Writ of certiorari for setting aside the ex parte order dated 09.10.2023(ANNEXURE-P/4) passed by the Learned Court of Deputy Collector Land Reforms, Rosera in Confiscation(Excise) Case No. 15/2023 (State Vs. Rajan Kumar) whereby and where under the Learned Deputy Collector Land Reform, Rosera has ex parte ordered for confiscation of Maruti Suzuki Car bearing Registration No- BR09AQ-3157, MBHCZFB3SPC411605,



Chasis Engine No- No.- K12NP7242891 under Rule 12(a) and 58(2) of Bihar Prohibition & Excise (Amendment) Rule 2022 of Section 56(b) of Bihar Prohibition & Excise (Amendment) Act 2018.

(ii). For further issuance of an appropriate order, direction, writ in the nature of Writ of certiorari for setting aside the subsequent notification dated 02.01.2024 (ANNEXURE- P/5) of auction of vehicle of petitioner scheduled on 20.01.2024.

(iii). For any other relief or reliefs to which the Petitioner may be found entitled in the fact and circumstances of the present case.”

2. Petitioner has a statutory remedy of filing appeal before the appellate authority under Section 92 of Bihar Prohibition and Excise Act 2016. Therefore, the present petition is pre-mature. However, learned counsel for the petitioner submitted on instruction that there is proposal for auction of the subject of motor vehicle bearing Registration No. BR09AQ-3157- *Maruti Suzuki Car*. In the light of these facts and circumstances petitioner is at liberty to invoke remedy under Section 92 of Bihar Prohibition and Excise Act 2016. If such application is submitted the concern appellate authority is hereby directed to decide the petitioner's Appeal within a period of three months from the date of receipt of such appeal. Till disposal of appeal the concern authority is hereby directed to not to proceed with the auction proceeding, if it is not already



concluded as on today.

3. With the above observation the present writ petition
stands disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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