

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3403 of 2024

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Aarti Kumari Wife of Jagdev Kumar, a resident of Ghagha Ghat, Buxaria Tola, P.S. - Sultanganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The District Magistrate/Collector, Patna.
3. Deputy Collector, Land Reforms, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Excise Superintendent, Patna.
6. The Sub-divisional Police Officer, Patna.
7. The Station House Officer, Rupaspur, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Harish Kumar
For the Respondent/s : Mr.Standing Counsel 7

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 04-03-2024

In the instant petition, petitioner has prayed for following relief(s):-

(i) For issuance of appropriate writ/writs, order/orders, direction/ directions directing and commanding the concerned respondent to release the petitioner's C.N.G. Tempo, bearing registration No. BR01PP-6979 which was seized in connection with Rupaspur P.S. Case No. 492/2023 registered under Section 30(a) of the Bihar Prohibition and Exicse Act 2018.

(ii) For any other relief which the petitioner may be found



entitled to in the facts and circumstances of this Case.

2. Petitioner without invoking remedy under Rule 12-

A of the Bihar Prohibition and Excise Rules, 2021 read with Amended Rules 2022 and 2023 and so also without invoking the remedy of appeal before the appellate authority against the confiscating authority order under Section 92 of the Bihar Prohibition and Excise Act, 2016 has rushed to this Court. Accordingly, the present petition is premature. Hence, writ petition stands disposed of as premature.

3. Disposal of the present petition would not be hurdle for the petitioner to invoke remedy of appeal before the appellate authority under Section 92 of the Bihar Prohibition and Excise Act, 2016 or in the alternative she is at liberty to invoke remedy under Rule 12-A of the Bihar Prohibition and Excise Rules, 2021 read with Amended Rules 2022 and 2023 in the prescribed form. If such application is submitted, the concerned authority is hereby directed to decide the petitioner's application within a period of two weeks from the date of receipt of such application or in the alternative 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 deciding either under Rule 12-A of the Bihar Prohibition and Excise Rules, 2021 read with Amended Rules 2022 and 2023 or under Section 92 of the Bihar Prohibition and Excise Act, 2016-appeal, the



concerned authority is hereby directed to not to proceed in respect of auctioning the subject matter of the motor vehicle.

4. With the above observation, the writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-
Shahzad

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.03.2024
Transmission Date	NA

