

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.410 of 2023

In
Civil Writ Jurisdiction Case No.1559 of 2022

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Suman Kumar Saurabh Son of Suresh Prasad Yadav, Resident of Village-
Jairam Parsi, Chatra Badh, Ward No.1, P.S.- Gwalpara, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Shri K.K. Pathak, The Additional Chief Secretary, Excise Department, Govt. of Bihar, Patna.
3. Shri B. Kartiken Dhanji, The Excise Commissioner, Bihar, Patna.
4. Smt. Inayat Khan, The Collector, Araria.
5. Shri Ashok Kumar Singh, The Superintendent of Police, Araria.
6. Sanjeet Kumar, The Sub-Inspector, Excise, Araria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar

For the Opposite Party/s : Mr.Vikash Kumar (Sc11)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

3 22-02-2024 The present MJC is filed for non compliance of the

order dated 22.04.2022 passed in CWJC No. 1559 of 2022. This

court while disposing of CWJC No. 1559 of 2022, passed the

following order:-

*“In said view of the
matter, the writ petition is disposed
of with liberty to petitioner to avail
the remedy of the amended
provision 12(A) and 57(B) of the
Bihar Prohibition and Excise
(Amendment) Rules, 2022. It is
made clear that this Court has not*



*expressed any opinion with respect
to merit of case.*

*Equally, liberty reserved
to petitioner to approach this Court
for same and subsequent cause of
action, if so arises.”*

2. For non compliance of the aforementioned order, petitioner has presented this petition with reference to the fact that he had approached the concerned authority on 20.08.2022. As on 20.08.2022, certain proceedings have already attained finality like confiscation proceedings dated 04.09.2020, appeal proceedings on 15.01.2021 and revision on 26.10.2021 followed by auction of the subject matter of the motorvehicle on 11.07.2022.

3. The petitioner has taken four months time to approach the concerned authority pursuant to co-ordinate bench order dated 22.04.2022 passed in CWJC No. 1559 of 2022. Having regard to the conduct of the petitioner, in not pursuing his grievance timely and further development has taken place in so far as auctioning the subject matter of motorvehicle, hence the petitioner has not made out contempt of court case so as to initiate contempt of court proceedings for non compliance of the order dated 22.04.2022 read with fact that the petitioner has approached the concerned authority only on 20.08.2022.



Accordingly, MJC No. 410 of 2023 stands dropped reserving liberty to the petitioner to avail any other remedy, if it is available.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

asmit/-

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