

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4778 of 2024

In
Criminal Writ Jurisdiction Case No.1085 of 2023

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Deepak Choubey @ Deepak Kumar Chhoubey S/o Sri Nagendra Choubey
Resident of Village-Bageshwari Ashthan, Gulabbagh, P.S-Sadar, Dist-Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Purnia.
3. The Excise Commisioner, Purnia.
4. The Police Inspector Excise, Purnia.
5. The S.H.O., sadar Police Station, Purnia.

... .. Respondent/s

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Appearance :

For the Petitioner/s :
For the Respondent/s : Mr. Kumar Manish, SC 5

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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 : 18-03-2024

None appears for the petitioner.

2. In the instant writ petition, petitioner has prayed for
the following relief/reliefs:

*“(i) To direct the respondents
authorities the vehicle bearing registration No.
- BR – 11Y/1594, Chesis no –
AJAXXMRKAGK18787 and Engine no. - GK
18787 was seized in connection with Sadar P.S.
case No. 542 2019 u/s 8, 21, 22 of N.D.P.S. Act
and 30 (a) of the Excise Act – 2016 by the*



S.H.O, S.I Jitendra Rana, Sadar, Police station, Purnea on 21.10.2019 be released in favour of the petitioner.

(ii) To direct the respondent no. - 5, the Oppo mobile phone F 11 – Pro bearing IMEI No – 866208043579210 and 866208043579202 was seized in connection with Sadar P.S. case No. 542 2019 by the S.H.O, S.I. Jitendra Rana Sadar, Police Station, Purnea be released in favour of the petitioner.

(iii) Further direct the respondent authority no – 05 the Officer Incharge Sadar, Police Station in which custody the above said vehicle and mobile are to be looked very carefully till the disposal of this writ petition.

(iv) The petitioner further prays for any other relief/reliefs as to which the petitioner is entitled in the facts and circumstances of the case be granted.”

3. Prima facie subject matter of motor vehicle is involved in the offence under the Bihar Prohibition and Excise Act, 2016 read with certain Sections of N.D.P.S. Act. For the offence under the Excise Act, petitioner has remedy under Rule 12 A of Bihar Prohibition and Excise Rules, 2021 (for short ‘Excise Rules, 2021’) read with amended sub Rule (2) of Rule 12 A in the year 2022 and 2023. However, insofar as release of the subject matter of motor vehicle with reference to the alleged offences under N.D.P.S. Act is concerned, petitioner has a remedy before the jurisdictional Trial Court.



4. Be that as it may, petitioner has not submitted any application under Rule 12 A insofar as releasing of subject matter of vehicle for the offence under the Excise Act. Accordingly, present writ petition is premature. Hence, writ petition stands disposed of reserving liberty to the petitioner to invoke appropriate remedy.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.03.2024
Transmission Date	NA

