

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5673 of 2024

Pradeep Kumar Maury @ Pradeep Kumar Maurya S/o Late Sitaram Maurya,
Resident of Village- Churawanpur, P.S.- Baksha, District- Jaunpur (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Bihar Excise Department at Patna.
2. The Excise Commissioner, Patna at Patna.
3. The Collector of District Buxar, at Buxar.
4. The Superintendent of Police, Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Gupta, Advocate
For the Respondent/s : Mr.Standing Counsel (21)

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

Date : 03-04-2024

In the instant petition, petitioner has prayed for the following reliefs:-

*(I) For setting aside order dated
12.02.2024 passed in case no. 15/2024
(confiscation) by collector-cum-District
Magistrate, Buxar whereby and where under
Bolero Pick up bearing no. UP-62CT-1063, Chasis
no. MAIZU2TNKNIE52732, Engine No. TNN-
1E68109 was confiscated and directed to start the*



auction proceeding to sell the confiscated vehicle.

(ii) For giving direction to Respondent authority to release the aforesaid seized vehicle in favour of petitioner after accepting the payment of half of insured value of the vehicle.”

2. Insofar as first relief is concerned, petitioner has remedy of appeal before the Appellate Authority under Section 92 of the Bihar Prohibition and Excise Act, 2016. Therefore, first relief is concerned, it is premature.

3. Second relief is not supported by material information like application filed in the prescribed format under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12A in the year 2022 and 2023. Even the second relief is premature. Accordingly, the present petition stands disposed of as pre-mature.

4. Disposal of the present petition would not be a hurdle for the petitioner to invoke remedy under Section 92 of the Bihar Prohibition and Excise Act, 2016 in filing appeal. If such appeal is filed, Appellate Authority is hereby directed to decide the petitioner's appeal within a period of three months from the date of receipt of such memorandum of appeal.

5. Petitioner is also permitted to file application



under Rule 12A of Bihar Prohibition and Excise Rules, 2021 including amended provisions in the year 2022 and 2023. If such application is submitted in the prescribed form before the competent authority, the competent authority shall pass speaking order within a period of two weeks from the date of receipt of such application.

6. With the above observation, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.04.2024
Transmission Date	NA

