

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9119 of 2024

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Amit Kumar S/o Om Prakash Singh, R/o C-1840, Ground Floor, Palam Vihar,
P.S. Palam Vihar, Dist.- Gurgaon, Haryana.

... .. Petitioner/s

Versus

1. The State of Bihar, through Secretary Excise and Prohibition Department
Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Samastipur, Bihar.
4. The Superintendent of Police, Samastipur, Bihar.
5. The Superintendent of Excise, Samastipur, Bihar.
6. The S.H.O., Rosera Police Station, Samastipur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sudhanshu Prakash, Adv. Mr. Kr. Harshvardhan, Adv.
For the Respondent/s	:	Mr.Ajay Behari Sinha, Government Adv. Mr. Upendra Kr. Singh, AC to GA-8

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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 : 21-06-2024

Office notes dated 20.06.2024 stands overruled.

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

*(i)For issuance of of Writ of Certiorari
quashing the order dated 07-10-2023
passed by the SDM, Rosera in
confiscation (Excise) Case No.
08/2024, whereby he has declined to
release the said Vitara Brezza Car;
(ii) For directing the SDM, Rosera to
release the Car bearing Registration*



No. HR87A0871 for Cerulean Blue coloured Maruti Vitara Brezza Car having, Engine No.- D13A5581686 and Chassis No. MA3NYFB1SJA337897 which is lying in the Rosera Police Station, Samastipur in the favour of the petitioner forthwith.

*(iii) For direction may be given for disposal of present case in light of the Hon'ble Patna High Court's decision in **Sunaina Vs State of Bihar** (CWJC No.7920/2023) and **Binit Kumar Vs The State of Bihar** (CWJC No.4040/2023) case.*

And/Or

(iv) For any other order/orders, relief/reliefs for which the petitioner may be entitled in the eyes of law.

3. The present petition do not survive for consideration with reference to relief sought in the present petition in so far as release of the subject matter of vehicle for the reasons that confiscation proceedings has attained finality. Therefore, the present petition do not survive for consideration.

4. Be that as it may, petitioner is at liberty to invoke remedy of appeal before the appellate authority under Section 92 of the Bihar Prohibition and Excise Act, 2016. If such appeal is filed by the petitioner, the appellate authority is hereby requested to decide the petitioners appeal within a reasonable period of two months from the date of receipt of such memorandum of appeal on merit without insisting on delay



issues.

5. With the above observations, instant writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.06.2024.
Transmission Date	N/A

