

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7849 of 2024

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Ali Ahmad Khan, Son of Ozair Ahmad Khan, Resident of Village- Chorma,
P.S.- Pakrideyal, District- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Excise,
Govt. of Bihar, Patna.
2. The Superintendent of Police, Banka.
3. The District Magistrate, Banka.
4. The Excise Inspector Cum SHO of Excise Police Station Banka, District-
Banka.
5. The Sub- Inspector of Police, Excise Police Station Banka District- Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman, Advocate

For the Respondent/s : Mr. Mujtabaul Haque, G.P-12

Mr. Pranoy Kumar, AC to G.P.12

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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 : 07-08-2024

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

(A) For issuance of appropriate writ/order or direction commanding the respondents to release Truck (Tata Company) of the petitioner having Registration No. BR-06G-9578, Chassis No. MAT448030B1C06973 and Engine No. B591803111C63101580 which has been wrongly seized by the respondent no.5 in Banka Excise P.S. Case No. 199 of 2022 dated



05.10.2022 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016 pending in the court of Addl. District and Sessions Judge-V, Banka.

(B) For issuance of appropriate writ/order or direction commanding the respondents particularly the Respondent no.4 and 5 to make payment compensation to the petitioner for the loss caused to the petitioner as the respondent no.5 wrongly seized the said truck of the petitioner and has destroyed the same in keeping under open sky for such a long period.

(C) For any other relief or reliefs for which the petitioner is found entitled in the opinion of this Hon'ble Court. ”

2. The present writ petition was filed in the month of April, 2024, in the meanwhile, confiscation proceeding has attained finality on 04.03.2023. The petitioner had a remedy of filing appeal before the Appellate Authority under Section 92 of the Bihar Prohibition and Excise Act, 2016 and further Revision under Section 93 of the Bihar Prohibition and Excise Act, 2016. Without resorting such statutory remedy, he has approached this Court for release of the subject matter of vehicle. Even the subject matter of vehicle has already auctioned, in that event, he has a remedy of invoking appeal before the Appellate Authority



while impleading the auction purchasers, as a party, to the *lis*. In the light of these facts and circumstances, the present petition is not maintainable.

3. Accordingly, the present Writ petition stands disposed of, reserving liberty to the petitioner to invoke remedy of appeal before the Appellate Authority. If such appeal is filed, the Appellate Authority is requested to decide the petitioner’s appeal within a period of 03 months from the date of receipt of such appeal.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.08.2024
Transmission Date	NA

