

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8460 of 2024

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Ajay Gupta S/o Jay Prakash Lal, R/o Village- Jaridih Bazar, Basti No. 04, PS-
Gandhi Nagar, District - Bokaro, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The State of Bihar, through Secretary, Home (Police) Department,
Government of Bihar, Patna.
3. The Secretary, Prohibition Excise and Registration Department, Government
of Bihar, Vikas Bhawan, New Secretariat, Nehru Path, Patna - 800015.
4. The District Magistrate, Bhojpur at Ara.
5. The Collector, Bhojpur at Ara.
6. The Excise Commissioner, Bihar, Patna.
7. The Additional Commissioner, Bhojpur at Ara.
8. The Assistant Commissioner of Excise, Bhojpur at Ara.
9. The District Transport Office, Bhojpur.
10. The Superintendent of Police, Bhojpur.
11. The Office-In-Charge, Barhara Police Station, Bhojpur at Ara.
12. Vijay Shankar, S/o Late Ram Swarth, R/O Man Sarovar Colony, Hospital
Road, PS- Ara Town, District - Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Madhukar Anand
For the Respondent/s : Mr.Government Pleader (6)

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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 : 26-06-2024

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

*I. That the present writ application is being
filed for issuance of an appropriate
writ/order(s)/direction(s) in the nature of
Certiorari for quashing of order dated
15.05.2023, passed by the Court of Ld.*



Collector, Bhojpur at Ara, in Miscellaneous (Excise) Case No. 501 of 2021, which arises out of Barhara P.S. Case No. 389 of 2021?

II. That the present writ application is being filed for issuance of an appropriate writ/order (s)/ direction(s) in the nature of mandamus or any other appropriate writ(s) for commanding the respondent authorities to pay Rs. 34,92,500/- to the petitioner in shape of compensation, out of which Rs. 15,92,500/- is the Insurance Declared Value of the goods carrier bearing registration no. JH-09-AF-8975 and the remaining Rs. 19 lacs is the loss which has been caused to the petitioner due to the illegal and arbitrary acts of the respondents.

III. And for any other relief(s) for which the petitioner may be found to be entitled to do in the present facts and circumstances of the case.

2. Without exhausting remedy of appeal before the appellate authority, petitioner has rushed to this Court. Learned counsel for the petitioner submitted that this is second round litigation in the confiscation proceedings. Earlier confiscation proceeding was ordered against the petitioner and he had invoked remedy of appeal before the appellate authority. Appellate authority remanded the matter to the confiscating authority for passing a fresh order. During the intervening period, subject matter of vehicle was auctioned on 29.09.2022. In this backdrop, the petitioner is permitted to file detail appeal before the appellate authority including claiming damages in view of the auctioning the subject matter of vehicle. If such appeal is filed, the



appellate authority is requested to decide the petitioner’s appeal within a period of three months from the date of receipt of this order on merits, without insisting delay issue.

3. Accordingly, writ petition stands disposed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.06.2024
Transmission Date	NA

