

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10554 of 2024

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Bullet @ Bulat S/o Nand Kishor Yadav @ Nand Kishor R/o Rampur
Bangava, P.S.- Tareya Sujan, District- Kushinagar, U.P.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Excise and Prohibition Department Gov. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Gopalganj, Bihar
4. The Superintendent of Police, Gopalganj, Bihar
5. The Sub-Divisional Magistrate, Gopalganj.
6. The Superintendent of Excise, Gopalganj, Bihar.
7. The SHO, Gopalganj Police Station, Gopalganj, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey, Adv.

For the State : Mr.Kameshwar Kumar, GP-17

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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 : 12-09-2024

Having regard to the alleged seizure of 25.600 litres
of liquor and it was subject matter of confiscation proceedings
and appeal proceedings petitioner had suffered orders resultantly



the present writ petition has been filed in assailing the confiscation and appellate authority order. In the meanwhile, he had parallel remedy of filing application under Rule 12A of Bihar Prohibition and Excise Rules, 2021 including amended provisions in the year 2022 and 2023 in order to appreciate the concerned authority insofar as imposition of penalty while releasing the recovery. This remedy could be invoked by the petitioner. In this regard, petitioner is permitted to file application under Rule 12A of Bihar Prohibition and Excise Rules, 2021 including amended provisions in the year 2022 and 2023 in the prescribed format within a period of two weeks from today. On receipt of such application, the concerned authority is hereby requested to decide the same within a period of four weeks from the date of receipt of such application. Till Rule 12A application is decided by the concerned authority, the concerned respondents are hereby directed to not to proceed with the auction of the subject matter of the vehicle. Liberty is also given to the petitioner to file a fresh writ petition in the event of his grievance is not materialized under Rule 12A to the extent of challenging the confiscation order and appellate authority order.

2. Accordingly, the present CWJC No. 10554 of



2024 stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

shahzad/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24.09.2024
Transmission Date	N.A.

