

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11642 of 2024

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Pappu Kumar Mahto S/o Ganga Mahto, Resident of Village- Barma, P.O.-
Choraut, P.S.- Pupri, District- Sitamarhi, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise And Prohibition, Government of Bihar.
2. The Excise Commissioner, Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The District Collector cum District Magistrate, Madhubani.
5. The Superintendent of Police, Madhubani.
6. The Station House Officer (S.H.O.), Benipatti Police Station, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Samir Kumar, Advocate
For the Respondent/s	:	Mr. Sunil Kumar Mandal, SC 3
		Ms. Neelam Kumari, AC to SC 3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

4 29-08-2024 In the instant writ petition, petitioner has prayed for
the following relief/reliefs:

*“a. For issuance of writ in the nature of
mandamus directing to release the Mahindra Pickup
van of the petitioner bearing Registration no.
BR06GE-4417 having Chasis No.
MA1ZN2TNKL5JI4630, Engine No. TNL4H92600
which has been seized in connection with Benipatti
P.S. Case No. 54/2023, U/S-272, 273, 279, 337,427
of Indian Penal Code & 30 (a) Bihar Prohibition &
Excise Amendment Act, 2018.*



b. Any other relief or reliefs to which the petitioner is found entitled to in the facts and circumstances of the case.”

2. The aforementioned relief is not maintainable for the reasons that pursuant to F.I.R. dated 13.03.2023, confiscation proceedings have attained finality on 26.06.2023.

3. Petitioner has statutory 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. Parallely, he has one more remedy of invoking Rule 12 A of the Bihar Prohibition and Excise Rules, 2021 read with amended sub-Rule 2 of Rule 12 A in the year 2022 and 2023. Therefore, petitioner is at liberty to invoke either of the remedy.

4. The concerned authority is hereby directed to not to proceed auction of the subject matter of vehicle till either application under Rule 12 A or appeal is decided, whichever is earlier. Thereafter, the concerned authority is permitted to take action in accordance with law. The authority to decide the application filed under Rule 12 A or appeal by appellate authority, he/she shall pass orders within a period of two months from the date of receipt of copy of such application or appeal.

5. With the above observation, present writ petition



stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

GAURAV S./-

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