

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12359 of 2024

Shiv Narayan Harijan alias Sewnarayan Harijan son of Late Dhuplal,
Resident of village- Nonar Pandey P.S.- Bankata Dist.- Deoria (UP).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Excise Department,
Govt. of Bihar Patna.
2. The Director General of Police, Bihar Patna.
3. The Superintendent of Police, Siwan.
4. The District Magistrate-cum-Collector, Siwan.
5. The Dy. Superintendent of Police, Siwan.
6. The S.H.O., Mairwa P.S., Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate
For the Respondent/s : Mr. Mahtab Alam, AC to Standing Counsel 20

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 05-09-2024

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

*"(i) Releasing of Hero Glamour
Motorcycle registration no. UP-52-BA-5839
Chasis No. MBLJAS02XJ904748 Engine No.
JA06EHJ9J37276 seized in connection with
Mairwa P.S. Case No. 276/2022 instituted u/s
30(a) of the Bihar Prohibition and Excise Act,
2016, awaiting confiscation.*

*(ii) To any other relief/s to which the
petitioner is found entitled to."*



2. As on date of filing of the present petition, confiscation proceeding was completed on 02.06.2023, therefore, the petitioner has statutory remedy of appeal before the appellate authority under Section 92 of the Bihar Prohibition and Excise Act, 2016 (for short 'Act', 2016) and further Revision under Section 93 of the Act, 2016. Therefore, the present petition does not survive for consideration.

3. Accordingly, the present petition stands disposed of reserving liberty to the petitioner to invoke remedy of filing appeal before the appellate authority. Till the appellate authority decides the petitioner's appeal, the concerned authority is hereby directed to not to proceed with the auction proceedings, if any. The appellate authority is hereby directed to decide the memorandum of appeal to be submitted by the petitioner within a period of three months from the date of receipt of the same.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

Vikash/-

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

