

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15176 of 2023

=====

Santu Pal Son of Sudarshan Bhagat @ Bhagat, Resident of Village- Deokuli,
Gariyari Tola, Post - Musepur, Police Station - Bihta, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Patna.
2. The Divisional Commissioner, Saran Division, Saran.
3. The District Magistrate -Cum- Collector, Saran.
4. The Superintendent of Police, Saran.
5. The Dy. Superintendent of Police, Manjhi, Saran.
6. The Sub-Divisional Officer, Manjhi, Saran.
7. The District Excise Officer, Saran.
8. The Superintendent of Excise and Prohibition, Saran.
9. The S.H.O. -Cum- In-charge of Manjhi Police Station, Saran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh, Advocate
For the Respondent/s : Mr.Vikash Kumar (Sc11)

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

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

4 05-01-2024 In the instant petition, petitioner has prayed for the
following relief(s):-

*“(i) For issuance of writ,
order/s, direction/s in the nature of
certiorari for quashing the order
dated 10.10.2022, passed in Excise
Confiscation Case No. 679 of 2022
by the Additional District
Magistrate, Saran, Chapra,
whereby and under a direction has
been given to the for confiscation*



and auction of the vehicle of the petitioner, without following the due process of law.

(ii) For issuance of writ/s, order/s, direction/s in the nature of Mandamus, commanding the respondents, to immediately release the vehicle/Hyundai Xcent Car of the petitioner bearing Registration No. BR-01PJ-3359, Engine No. D3FBHM306399 Chassis No. MALA841ELHM254077, which was seized in connection with Majhi P.S. Case No. 234/2022 dated 26.06.2022 instituted for the offences under section 30, 30(a) of the Bihar Prohibition and Excise (Amendment) Act 2018.

(iii) For further prayer of the petitioner to stay the proceeding of Majhi P.S. Case No. 234/2022 dated 26.06.2022 as well as Excise Confiscation Case No. 679 of 2022, instituted for the offences under section 30, 30(a) of the Bihar Prohibition and Excise (Amended) Act 2018.

(iv) For further issue a direction to pay a suitable compensation to the petitioner because the vehicle of the petitioner is a Taxi, registered under commercial use, has been illegally seized while the driver was driving and illegally detained by the police officials without any recovery of illicit/illegal liquor from the vehicle of the petitioner.

(v) For further any other reliefs, order/s, direction/s, may deem fit and proper in the facts and circumstances of this case.”

2. Perusal of the records, it is evident that the



petitioner has not exhausted the statutory remedy of appeal before the Appellate Authority. He has not made out a case so as to ignore in not filing appeal and further revision which is available to the petitioner. Therefore, the present petition stands disposed of as premature, reserving liberty to the petitioner to file appeal before the Appellate Authority.

3. Appellate Authority is hereby directed to pass appropriate order in accordance with law within a reasonable period of time of three months from the date of receipt of such appeal, if any.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

abhishekk/-

U			
---	--	--	--

