

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1624 of 2024

Om Prakash Das S/o Kalicharan Das, Village - Colliery, PO - Kazara, PS-
Andal, District - Burdawan, West Bengal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Excise Commissioner, Excise Department, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Senior Deputy Collector cum Establishment Deputy Collector, Munger.
4. The Superintendent of Police, Munger.
5. The Station Head Officer, Bariyarpur Police Station, Munger.
6. Md. Furkan, S/o Md. Aurangzeb, R/o Village- Nayak, P.S. - Manhidpur, District- Bhagalpur (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shiv Pratap
For the Respondent/s : Mr. Vivek Prasad (GP7)

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

Date : 06-03-2024

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

I) For issuance of an appropriate writ or order or direction in the nature of CERTIORARI quashing the order dated 11.04.2022 passed by the Respondent No.2, whereby the said respondent has passed order for confiscation of the vehicle (Haiwa) bearing Registration No.WB 39B-6037 on account of being used in commission of an offence punishable under Section 30(a)(d)/41 of Bihar Prohibition & Excise Act, 2016 & 2018 (Amended). The confiscation proceeding was initiated against the said vehicle without proper service of notice to the petitioner who resides in West Bengal and the vehicle in question bears registration of West Bengal.



II) For issuance of an appropriate writ or order or direction in the nature of MANDAMUS, directing the Respondent authorities to pay compensation in lieu of auction of the vehicle bearing Registration No. WB 39B-6037 which has been auction sold as per the information provided vide counter affidavit filed by the Respondent in CWJC No. 9259/2023 which was filed by the petitioner earlier.

III) For issuance of an appropriate writ or order or direction in the nature of MANDAMUS, directing the Respondent authorities to provide auction details with respect to the vehicle bearing Registration No. WB 39B-6037 and further notice may be issued to the Respondent No.6 herein auction purchaser.

IV) For grant of any other relief or reliefs to which the petitioner is found entitled to in the facts and circumstances of the case.

2. It is to be noted that earlier petitioner approached this court C.W.J.C. No.9259/2023 and it was disposed on 11.08.2023 reserving liberty to the petitioner to invoke remedy of the appeal before the appellate authority and so also if he still aggrieved by the appellate authority he has remedy for filing revision before the revisional authority. Despite that the present petition is filed only on the count that he has not been issued a notice insofar as auction of the subject matter of motor vehicle. Faced with these material information in para 21 petitioner has pleaded as follows :- “ *that the petitioner has no other alternative and efficacy remedy then to move before this Hon’ble Court*”. The aforementioned general statement is not acceptable to this court in the present case for the reasons that this court specifically made an observation while



disposing 9259/2023 decided on 11.08.2023 to the extent that petitioner has remedy of appeal and revision.

3. Accordingly, the present writ petition stands disposed of as not maintainable reserving liberty to the petitioner to invoke remedy of appeal before the appellate authority. The appellate authority need not insist for condonation of delay in filing appeal in the light of co-ordinate Bench decision in CWJC No.9259/2023 dated 11.08.2023. The petitioner is at liberty to approach in filing appeal before the appellate authority within a period of four weeks from today. On receipt of petitioner’s appeal, the appellate authority is hereby directed to decide the petitioner’s appeal within a period of two months from the date of receipt of such appeal with above writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

amitkumar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

