

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17087 of 2024

=====

Upendra Kumar Son of Methur Sah Resident of Village- Jitawra, Ward No.-
10, P.S.- Chaitya, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Govt. of Bihar, Patna.
2. The Superintendent of Police, Saran, Chapra.
3. The District Magistrate, Saran, Chapra.
4. The Excise Inspector-cum- S.H.O. of Excise Police Station, Sadar, Chapra.
5. The Inspector of Police Excise Police Station, Saran, Chapra.
6. The Officer Incharge District Legal Section, Saran, Chapra.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Md. Anisur Rahman
For the Respondent/s : Mr.Government Advocate (3)

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 19-11-2024

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

*i. For issuance of appropriate writ/
order or direction quashing the order issued
under Memo No. 2537 dated 12.09.2024 issued
by the Respondent No. 6 by which he has
directed the petitioner to produce form in
Form- IV and also to deposit 50% of valuation
amount for release of his seized car as
contained in Annexure-P/3 to this writ
application.*



ii. For issuance of appropriate writ/ order or direction commanding the respondents to release Maruti Suzuki Baleno Car Registration No. BR06CT8515. Chassis No. MA3EWB22SMJ717165 and Engine No. K12MN4743023 which has been wrongly seized by the Respondent No. 5 in Excise Sadar, Saran P.S. Case No. 137/2024 dated 29.06.2024 registered under section 30(a) and 32(c) of Bihar Prohibition and Excise Amendment Act 2018 pending in the court of Special Judge, Excise-III, Chapra.

iii. For issuance of appropriate writ/ order or direction commanding the respondents particularly the Respondent No. 4 and 5 to make payment compensation to the petitioner for the loss caused to the petitioner as the Respondent No. 5 wrongly seized the car of the petitioner and has destroyed the same in keeping under open sky for such a long period.

iv. for any other relief or reliefs for which the petitioner is found entitled in the opinion of this Hon'ble Court.

2. Learned counsel for the State could not apprise this Court under which provision of law impugned communication has been made by the concerned official respondent to the petitioner, therefore, impugned communication shall not be given effect to.



3. On the other hand, petitioner is permitted to invoke remedy under Rule 12 A of the Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12A in the year 2022 and 2023 before the concerned authority. If such application is filed within a period of two weeks from today, in that event, the concerned authority is hereby directed to consider such application filed under Rule 12 A of the Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12A in the year 2022 and 2023 in the prescribed format within a period of two weeks from the date of receipt of such application and decide the same.

4. With the above observation, instant writ petition stands disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

Mayank/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	25.11.2024
Transmission Date	

