IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17457 of 2024

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Suraj Kumar, Son of Sanjay Roy @ Sanjay Ray, Resident of Mohalla- Misri Tola, Tekari Road, P.O.- Mahendru, Police Station- Sultanganj, District-Patna, Permanent address Village-Chaksu Leman, Police Station-Garoul (Kathara O.P.), District-Vaishali.

... ... Petitioner.

Versus

1. The State of Bihar through Principal Secretary, Department of Excise Department, Government of Bihar, Patna.
2. The Commissioner Excise Department, Patna. Bihar.
3. The District Magistrate, Vaishali.
4. The Superintendent of Police, Vaishali.
5. The Officer-in-Charge Industrial Area, Police Station-Hajipur, District-Vaishali.

... ... Respondents.

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Appearance :

For the Petitioner : Mr. Arvind Kumar Mouar, Advocate.
For the State : Mr. Standing Counsel (07).

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 12-12-2024

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

> "(a) For issuance of appropriate writ in the nature of mandamus commanding and directing the respondent authorities to release the Bajaj CNG Tempoo bearing Registration No.BR-01PP-4246 seized by Industrial Area Police in connection with Industrial Area Case No.44 of 2023 registered under sections 272 and 273 of Indian Penal Code and section 30(a) of Bihar Prohibition Excise Act,

2018 in favour of the petitioner or his representative the vehicle in question has been seized with allegedly 100 ltr. of country made liquor the case is presently pending in the court of learned Exclusive Special Judge, Excise, Hajipur, Vaishali.

(b) For the issuance of any other relief/reliefs to which the petitioner may found entitled to in the facts and circumstances of the present facts and circumstances of the case in favour of the petitioner."

2. As on the date of presentation of the instant writ petition, the confiscation proceedings has attained finality on 14.09.2023 followed by the Appellate Authority confirming the order of the confiscation proceedings on 22.07.2024, resultantly, the instant writ petition is not maintainable. At the best, petitioner is entitled to invoke remedy under Section 93 of the Bihar Prohibition and Excise Act, 2016 in filing revision. Simultaneously, he has remedy to file an application under Rule 12 of the Bihar Prohibition and Excise Rules 2021 read with amended sub Rule 2 of Rule 12A in the year 2022 and 2023. If such revision under Section 93 of the Bihar Prohibition and Excise Act, 2016 and application under Rule 12 of the Bihar Prohibition and Excise Rules 2021 read with amended sub Rule

2 of Rule 12A in the year 2022 and 2023 is filed, the concerned authority is hereby directed to pass a suitable order within a reasonable period of time.

3. With the above observations, the instant writ petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.12.2024.
Transmission Date	NA