

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17785 of 2024

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Reeta Devi, wife of Krishna Murari Singh, R/o- Bhaktin Gali, Salempur,
Dumra, P.S- Airport, District- Patna, Bihar-800014.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Prohibition and Excise and Registration Department (Excise) Patna, Bihar.
2. The Excise Commissioner, Prohibition, Excise and Registration Department (Excise), Patna Bihar.
3. The District Collector, Mohaniya, Kaimur.
4. The Sub-Divisional Magistrate, Mohaniya, Kaimur.
5. The Superintendent of Police, Mohaniya, Kaimur.
6. The Police Sub-Inspector, Durgawati, Police Station, Mohaniya, Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashish, Advocate
For the Respondent/s : Mr. Government Pleader 06

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

Date : 28-11-2024

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

“(1) That this is an application for issuance of appropriate writ or writs, direction or directions for setting aside the order dated 16.10.2024 passed by the Respondent No.4 whereby and where under the Respondent no.4 directed to confiscate the vehicle of the petitioner bearing Registration No. BR01HG-6544 seized in Durgawati P.S. Case No. 230/2024 and further for issuance of appropriate



direction or directions to release the said vehicle in favour of the petitioner and during pendency of the writ application stay the further proceedings of the confiscation of the vehicle bearing Registration No. BR01HG-6544 and/or issuance of appropriate writ/writs under the facts and circumstances of the case.”

2. Pursuant to the registration of F.I.R. in Durgawati P.S. Case No. 230 of 2024, petitioner's vehicle bearing Registration No. BR01HG-6544 (Four Wheeler) has been seized. Thereafter, on 16.10.2024 confiscation proceedings has been attained finality and it is against the petitioner. Petitioner has a statutory remedy of appeal before the Appellate Authority under Section 92 of the Bihar Prohibition and Excise Act, 2016 and simultaneously, he has remedy under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 read with amended Sub-Rule 2 of Rule 12A in the year 2022 and 2023. He has not exhausted such remedy and rushed to this Court in filing the present Writ petition. The same is deprecated to the extent that when person has a statutory remedy before the concerned authority. He has to exhaust such remedy.

3. Therefore, we relegate petitioner to the Appellate Authority or in the alternative to file application under Rule 12A



of the Bihar Prohibition and Excise Rules, 2021 before the competent authority till decision is taken in either of the proceeding, the concerned Authorities are hereby directed to not to proceed with auction of the subject matter of vehicle till appeal is decided or Rule 12A of the Bihar Prohibition and Excise Rules, 2021 application is decided.

4. In the event of filing of application under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 or filing of Appeal under Section 92 of the Bihar Prohibition and Excise Act, 2016, the concerned Authority is hereby requested to decide such case within a period of 03 months from the receipt of such application/appeal.

5. With the above observation, present Writ petition stands disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.11.2024
Transmission Date	NA

