

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1998 of 2024

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Sachin Kumar Shukla Son of Shyam Bihari Shukla, resident of Village-Shukhpura Indrapar Khurd Urua Bazar, Police Station-Gorakhpur, District-Gorakhpur (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Siwan.
4. The Superintendent of Police, Siwan.
5. The Superintendent of Excise, Siwan.
6. The S.H.O. Darauli Police Station, District-Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate
For the Respondent/s : Mr.Kunal Tiwary, A.C. to G.A.-2

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

Date : 22-02-2024

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

“For issuance of a writ in the nature of certiorari or any other appropriate writ or writs for quashing the order dated 12.09.2023 passed by the learned Incharge Exclusive Special Excise Judge No. 1, Siwan in Darauli Police Station Case No. 179 of 2023 registered for the offence under Section 414 of the Indian Penal Code and Sections– 30(a),



41(i) of the Bihar Prohibition & Excise Act, 2016, by which he has rejected the petition dated 11.07.2023 filed on behalf of the petitioner for releasing the seized Maruti Swift Desire car in connection with Darauli Police Station No. 179 of 2023 as not maintainable and also for issuance of a writ in the nature of mandamus or any other appropriate writ or writs directing the respondents to release the four wheeler vehicle Swift Desire Car of the petitioner bearing registration No. UP53CY-6030, Engine No. D13A3315612 Chassis No. MA3CZF03SJG385284 belongs to the petitioner, which has been seized in Darauli Police Station Case No. 179 of 2023 for the alleged recovery of 36 litres Bunti Babli country made liquor for which neither the notice has been issued for initiation of confiscation proceeding nor confiscation proceeding has been initiated till date so far the best of knowledge of the petitioner.”

2. Petitioner has remedy of filing Criminal Revision against order dated 12.09.2023 passed by learned Incharge Exclusive Special Excise Judge No. 1, Siwan in Darauli Police Station Case No. 179 of 2023 registered for the offence under Section 414 of the Indian Penal Code and Sections– 30(a), 41(i) of the Bihar Prohibition & Excise Act, 2016.

3. The petitioner is at liberty to invoke remedy of



Criminal Revision or in the alternative to invoke Rule 12(A) of Bihar Prohibition and Excise Rules, 2021 including amended provisions in the year 2022 and 2023. If such application is submitted in the prescribed form before concerned authority, the concerned authority is hereby directed to take note of grievance of the petitioner and redress the same within a period of two weeks from the date of receipt such application under Rule 12(A) of Bihar Prohibition and Excise Rules, 2021 including amended provisions in the year 2022 and 2023.

4. With the above observations, the present C.W.J.C. No. 1998 of 2024 stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	28.02.2024.
Transmission Date	N/A

