

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1993 of 2024

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Surendra Ram son of late Jhauri Ram, Resident of village-Tola Baj Rai Shivpur, Police Station- Bairiya, District-Balia (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. Nautan 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.Government Advocate (9), Advocate

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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 17.05.2023 passed by the learned Exclusive Special Excise Judge – 2nd, Siwan in Nautan Police Station Case No. 279 of 2022 registered for the offence under Section – 30(a) of the Bihar Prohibition & Excise Act, 2016, by which he has rejected the petition dated



16.05.2023 filed on behalf of the petitioner for releasing the seized four wheeler vehicle Bolero in connection with Nautan Police Station No. 279 of 2022 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 Bolero of the petitioner bearing registration No. BR04G-5030, Engine No. GF94J93429, Chassis No. MA1XA2GFK95J72225 belongs to the petitioner, which has been seized in Nautan Police Station Case No. 279 of 2022 for the alleged recovery of 414 litres 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 17.05.2023 passed by learned Exclusive Special Excise Judge – 2nd, Siwan in Nautan P.S. Case No. 279 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and 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. 1993 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

