

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3075 of 2024

M/s New Pappan Building Material Supply (a proprietorship firm), through its proprietor - Baljeet Singh, Male, aged about - 43 years, S/o Shri Ram Singh, resident of J -149, Janta Colony, Mahindra Enclave, Shashtri Nagar, Ghaziabad, Uttar Pradesh- 201002.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Prohibition and Excise, Vikas Bhawan, Bailey Road, Patna- 800001.
2. The Collector-cum-District Magistrate, Gopalganj.
3. The Excise Superintendent, Excise and Prohibition Department, Gopalganj.
4. The Officer-in-Charge cum Sub-Inspector of Police, Kuchaikot Police Station, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Navendu Kumar, Advocate
For the Respondent/s : Mr.Government Pleader (24)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

2 21-02-2024 In the instant petition, petitioner has prayed for the following reliefs:-

*(i)To release
the truck bearing Reg.
No. UP14GT4915,
having chasis no.
MAT466602
H5N17339; engine no.
L84426661 which was
seized in connection
with Kuchaikote P.S.
Case No. 206 of 2019
dated 16.07.2019 u/s
30(a), 32(2) and 41(1)
of the Bihar Prohibition*



and Excise Act, 2016.

(ii) For setting aside the order dated 10.01.2023 passed in Confiscation (Excise) Case No. 61/2023 by the Collector-cum-District Magistrate, Gopalganj, which was filed to release the said vehicle in view of the order dated 10.05.2022 passed by this Hon'ble Court in CWJC No. 6910 of 2022, but the said order dated 10.01.2023 was passed in very mechanical manner ignoring the directions and observations of this Hon'ble Court contained in the aforesaid order and also the provisions of law whereby and whereunder the said application filed for release of the said vehicle has been rejected and observed that the aforesaid vehicle is suitable for confiscation.

(iii) For any other relief/reliefs for which the petitioner is entitled.

2. Petitioner has statutory remedy of appeal before the appellate authority against the impugned order. The same has not been exhausted and he had approached this merely Court in



CWJC No. 6910 of 2022 and it was decided on 10.05.2022 with certain observation to the extent of taking note of certain statutory provision for the purpose of redressal of the petitioner’s grievance. Therefore, the petitioner can not wave off statutory remedy of appeal in the light of order dated 10.05.2022 passed in CWJC No. 6910 of 2022. Accordingly the present petition is premature. Writ petition stands disposed of in the event of filing appeal against the impugned order. The appellate authority is hereby directed to decide the petitioner’s appeal within a reasonable period of three months from the date of receipt of such appeal.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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