

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16864 of 2024

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Awadhesh Kumar Roy S/o- Rajeshwar Roy, Resident of Gurana Road Baraut,
P.S.- Baghpat, District- Baghpat, Uttar Pradesh. At present resident of - RZ-
1/32, second floor, Front Side, Gali no.- 4 near Tara Apartment, Tughikabad
extension Alaknanda, p.s.- Alaknanda, District- South Delhi, 110019.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition Department, Bihar, Patna.
2. The Additional Chief Secretary, Excise Department, Govt. of Bihar, Patna.
3. The Excise Commissioner, Head Quarter Bihar, Patna.
4. District Magistrate, Gopalganj.
5. The superintendent of Police, Gopalganj.
6. The Superintendent of Police Excise, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pritish Ranjan, Advocate
For the Respondent/s : Government Pleader 18

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

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

5 16-01-2025

Re : I.A. No. 1 of 2025

Heard I.A. No. 1 of 2025 filed for condonation of delay in refiling the present CWJC No. 16864 of 2024. For the reasons stated in the application read with the affidavit, I.A. No. 1 of 2025 stands allowed.

2. In the instant writ petition, petitioner has prayed for the following reliefs:

“A. For issuance of an appropriate writ/writs, order/orders in the nature of



Mandamus directing the respondents to release and discharge the Vehicle from any charges labelled on the Bus Registration no. UP-17-AT-4390 which has been wrongly seized by Police in connection with Kuchaikote P.S. Case No. - 189/2024 instituted on dated 01-05-2024 for the offences alleged under section- 30(a) of the Bihar Prohibition and Excise Amendment Act 2022.

B. For issuance of an appropriate writ/writs, order/orders in the nature of Mandamus directing the respondents for disposal his representation/application of release of vehicle which is pending before the respondent no. - 4.

C. For issuance of any other relief/reliefs to which the petitioners are found entitled under the facts and circumstances of the present case.”

3. Learned counsel for the respondents, on instruction, submitted that on 04.11.2024, confiscation proceedings have attained finality.

4. The petitioner has statutory remedy of appeal before the appellate authority under Section 92 of the Bihar Prohibition and Excise Act, 2016. Simultaneously, he has a remedy under Rule 12 A of Bihar Prohibition and Excise Rules, 2021 (hereinafter referred to as ‘Rules, 2021’) read with amended sub-Rule 2 of Rule 12 A in the year 2022 and 2023. Both the remedies have not been exhausted, therefore, the



present petition stands disposed of reserving liberty to the petitioner to invoke both the remedies or any other remedy which is suitable for the petitioner.

5. In the event of filing any application under Rule 12 A of the Rules, 2021, the concerned authority is hereby directed to decide the petitioner's application under Rules 12 A of the Rules, 2021 within a period of four weeks from the date of receipt of such application. Similarly, if appeal is filed before the appellate authority against the confiscation order dated 04.11.2024, in such circumstance, appellate authority is requested to dispose of the appeal to be filed by the petitioner within a period of eight weeks from the date of receipt of such appeal. In the meanwhile, the concerned authorities are hereby directed to not to auction the subject matter of present *lis* till disposal of the appeal to be filed.

6. With the above observations, present writ petition stands disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

GAURAV S./-

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