

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4347 of 2023**

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Bimlesh Kumar, S/o Late Damodar Mehta, Resident of Village-Sonpurwa,  
P.S. Hussainabad, District Palamu (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Old Secretariat, Patna.
2. The Principal Secretary Department of Excise, Bihar, Patna.
3. The District Collector Aurangabad, District Aurangabad.
4. The Superintendent Excise, Aurangabad, District Aurangabad.
5. The S.H.O. Excise P.S. Aurangabad, District Aurangabad.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Ms. Nitu Kumari, Advocate

For the Respondent/s : Mr. Kumar Manish, SC-5

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 04-05-2023**

1. The petitioner is aggrieved with the seizure of his motorcycle bearing Registration No. JH03 AH 3188, Chassis No. MD625AK25N1D03531, Engine No. CK2DN1403494, which contained 51.840 litres of country made liquor. An F.I.R. was registered on 02.11.2022 as Aurangabad Excise P.S. Case No. 236 of 2022. A confiscation order was passed on 07.02.2023.

2. The learned counsel for the petitioner submits that



no notice was issued before the confiscation order was passed.

3. Learned counsel for the State specifically points to Annexure-C and submits that in fact the owner of the vehicle could not be traced and the paper publication was made.

4. The learned counsel for the petitioner counters with the contention that there is no provision for a paper publication.

5. We are not convinced that such a contention could be taken, especially since, when the owner is not traced, the authority can only issue a paper publication showing the registration number. However, in the present case, the registration certificate is produced as Annexure-1, which should be available in the portal of the Motor Vehicle Department. It only shows that the District Collector (the seizing authority) has not carried out proper verification to find out the real owner of the vehicle.

6. In such circumstances, we set aside the Confiscation Order (Annexure-C) and direct the petitioner to be present before the District Collector on 07.06.2023. Petitioner shall be heard and order shall be passed, in any event, within one month from the date of hearing. The petitioner will also be entitled to file an application under Rule 12A of the Bihar Prohibition and Excise Rules.



7. Writ petition is disposed of.

**(K. Vinod Chandran, CJ)**

**( Madhuresh Prasad, J)**

Sumit/Shashank-

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