

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10176 of 2023

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Pramod Sahni Son of Ramdev Sahni, Resident of Village - Fajela, P.O.-
Tarsarai, P.S. Sadar Darbhanga, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Govt. of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Superintendent of Police, Madhubani.
4. The Deputy Superintendent of Police, Madhubani. District- Madhubani.
5. The Station Head Officer, Madhwapur police Station, P.S. Madhawapur,
District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Respondent/s : Mr. Vivek Prasad (GP 7)

: Mr. Supragya (AC to GP-7)

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

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

3 08-08-2023 In the instant petition, the petitioner has prayed for
the following relief(s):-

“ (I) To issue a writ in the



nature of mandamus to direct the respondents to release the vehicle of petitioner bearing Reg. No. BR 07GB-6106, Chassis no. MAT464663MSD06258, Engine No. VARICOR12DYX05994, Vehicle class Pick Up (TATA), which has been seized in connection with Madhawapur P.S. Case No. 131/2022 dated 15.09.2022 for the offences under Section 272, 273, 414/34 I.P.C. and 30(a) of Bihar Prohibition & Excise Act 2022.

(ii) To grant any other reliefs for which petitioner is entitled to in connection with released of said vehicle.

2. Having regard to the fact that confiscation proceeding is already completed. Therefore, the petitioner has a remedy of appeal before the appellate authority and further revision. In other words the present petition is premature.

3. Accordingly the present petition stands disposed of reserving liberty to the petitioner to prefer appeal before the appellate authority under Section 92 of Bihar Prohibition and Excise Act, 2016. If such appeal is filed along with prayer for staying the auction proceeding of the vehicle in question. In that event the appellate authority is hereby directed to pass an order whether petitioner is entitled to any interim relief or not ? Such order shall be passed by the appellate authority within a period



of four days from the date of receipt of petitioner's appeal.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

Amrendra/ramesh

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