

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4968 of 2024

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Santosh Singh Son of - Gorakh Singh, Resident of Village - ward no. 3,
Bhawani pur Babu Tola, P.S. - Bhawanipur District - West Champaran.
(BIHAR)

... .. Petitioner/s

Versus

1. The State Of Bihar Through the Commissioner, Excise, Govt. of Bihar, Patna.
2. The collector District Bhojpur at Ara.
3. The Superintendent of Police, Bhojpur, District- Bhojpur.
4. The Excise Inspector, Prohibition Ara.
5. The officer in charge Dhangai police station District Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta
For the Respondent/s : Mr.Standing Counsel (28)

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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 : 21-03-2024

In the instant petition, petitioner has prayed for the following relief:-

(i) To issuance of appropriate / writ / writs / direction/Directions for release of the motorcycle registration no. BR-22AZ-8719 Hero Honda Shine Engine No. JC83EG3324700 Chasis No. ME4JC83EJNJ101662 seized by the Bihar police in connection with Dhangai P.s Case No. 97 of 2023 dated 3.10.2023 registered under section 30 (a) Bihar Excise Prohibition Amendment Act 2018.

(ii) For issuance of appropriate writ/ writs/ Direction/ Directions for release of vehicle in question in favour of the petitioner on Adequate surety on the terms and conditions as laid down by



this Hon'ble Court.

(iii) For any other relief / reliefs to which the petitioner may be found entitled in the facts and circumstances of the case.

2. The present petition is premature since petitioner has statutory remedy under Rule 12 A of the Bihar Prohibition and Excise Rules, 2021 read with Amended Rules 2022 and 2023. At the same time, during the pendency of the present petition confiscation proceedings is stated to have attained finality even on this issue petitioner has statutory remedy of appeal before the Excise Commissioner under Section 92 of the Bihar Prohibition and Excise Act, 2016. If the petitioner invokes the remedy under Rule 12 A of the Bihar Prohibition and Excise Rules, 2021 read with amended Rules 2022 and 2023 in the prescribed format, the concerned authority is hereby directed to decide the petitioner's application within a period of two weeks from the date of receipt of such application. In the alternative, petitioner has remedy of appeal under Section 92 of the Bihar Prohibition and Excise Act, 2016 against the confiscation proceedings. Even if such a memorandum of appeal is filed before the Excise Commissioner, the Excise Commissioner is requested to decide the petitioner's appeal to be filed under



section 92 of the Bihar Prohibition and Excise Act, 2016
be decided within a period of three months from the date of
receipt of this Order, while not insisting delay issue if any.

3. With the above observations, petition disposed
of as premature.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.04.2024
Transmission Date	NA

