

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5923 of 2024

Arjun Kumar Singh s/o Anil Kumar Singh, R/o Vill-Bhalswa Dairy, Kh No-488, 2nd Floor, Street No. 7, Rajeev Nagar, Swami Shardanand Colony, P.s.-Bhalswa, Dist-North Delhi. Petitioner/s

Versus

1. The State of Bihar through Secretary, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Gopalganj, Bihar.
4. The Superintendent of Police, Gopalganj, Bihar.
5. The Superintendent of Excise, Gopalganj, Bihar.
6. The SHO, Kuchaikote Police Station, Gopalganj, Bihar.

... ... Respondent/s

Appearance :

For the Petitioner/s : Mr. Sudhanshu Prakash, Advocate
For the Respondent/s : Mr. Additional Advocate General (12)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 30-04-2024

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

- i. *“For issuance of Writ of Certiorari quashing the order dated 24.01.2024 passed by the SDM, Gopalganj in confiscation (Excise) Case No.25/2014, whereby he has declined to release the said XUV 500 Car;*
- ii. *For directing the SDM, Gopalganj to release the Car bearing Registration No. DL10CT1445 for MI Pearl White coloured XUV500 FWD W6 Car having, Engine No.HJE4L12653 and Chassis No.MA1YT2HJUE6L14347 which is lying in the Kuchaikote Police Station, Gopalganj in the favour of the petitioner forthwith.*
- iii. *For direction may be given for disposal of present case in light of the Hon’ble Patna High Court’s decision in **Sunaina Vs. State of Bihar***



*(CWJC No.7920/2023 and **Binit Kumar Son Vs The State of Bihar** (CWJC No.4040/2023) case.”*

2. The petitioner has not exhausted statutory remedy of appeal before the appellate authority under Section 92 of the Bihar Prohibition and Excise Act, 2016. In the absence of filing of such statutory appeal, the present petition is premature.

3. Accordingly, the present writ petition stands disposed of, reserving liberty to the petitioner to file appeal before the appellate authority within a period of three weeks from today. If such an appeal is filed, the concerned appellate authority is hereby requested to decide the petitioner’s appeal within a reasonable period of three months from the date of receipt of such appeal. In the meanwhile, concerned respondents are hereby directed to not to proceed with the auction the subject matter of motor vehicle till disposal of appeal.

4. With the above observation, the present writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

amitkumar/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03.05.2024
Transmission Date	N/A

