

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5928 of 2024

Pranjay Kumar Son of Sri Ganesh Prasad Resident of at Ram Shanti Smriti,
Shazubair Road Near Cold Storage, Shah Colony, Police Station- Munger,
District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Excise and Prohibition,
Government of Bihar, Patna.
2. The District Magistrate, Khagaria.
3. The Additional Collector-cum-Additional District Magistrate, Khagaria.
4. The Superintendent of Police, Excise, Khagaria.
5. The Officer-in-Charge, Khagaria P.S., District- Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey
For the Respondent/s : Mr.Government Pleader (3)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 09-04-2024

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

*(i) For issuance of appropriate writ, order
direction in the nature of writ or certiorari
for quashing the order dated 28.12.2023
passed in Excise confiscation case No.
67/2023-24 arising out of Khagaria Town
P.S. Case No. 1215 of 2023 by which the
Additional Collector-cum-Additional District
Magistrate, Khagaria ordered for release of
the Scorpio Motor Car bearing Registration
No. BR-08P 4922 on deposits of 50 per cent
of the Insured amount i.e. Ra. 8,92,800/-
which comes to the tune of Rs. 4,46,400/- as
per notification No. 3671 dated 31.05.2023,*



within 15 days failing which proceeding of confiscation/auction will be imitated. As Scorpio Motor Car bearing Registration No. BR-08P 4922 was seized in Khagaria P.S. Case No. 1215/23 dated 30.11.2023 registered U/S 30(A) of the Bihar Prohibition and Excise Act, 2016, which is illegal and not in accordance with the Bihar Prohibition and Excise (Amendment) Act & Amended Rule 2023 dated 31.05.2023 certified copy of order dated 28.12.2023 passed in Excise Confiscation Case No. 67/2023-24 is being annexed and marked as Annexure-P1.

(ii) For setting aside the order dated 16.01.2024 passed by the Additional Collector-cum-Additional District Magistrate, Khagaria by which review petition preferred by the petitioner has been rejected and directed to approach before Commissioner, Excise.

(iii) For a direction to the concerned authority to release the Scorpio Motor Car bearing Reg. No. BR-08P-4922 on deposit of 10 per cent of the Insurance value of the Motor Car.

2. Petitioner has statutory remedy of appeal before the appellate authority under Section 92 of the Bihar Prohibition and Excise Act, 2016 without exhausting such remedy he has rushed to this Court. Accordingly, the present writ petition is premature hence, the present petition stands disposed of, reserving liberty to the petitioner to prefer appeal before the appellate authority. The appellate authority is requested to decide the petitioner's



memorandum of appeal to be submitted within a reasonable period of three months from the date of receipt of such appeal. In the meanwhile, the concerned authorities are hereby directed to not to proceed in auctioning the subject matter of motor vehicle till appeal is decided.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.04.2024
Transmission Date	NA

