

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10776 of 2024

Sanjay Nijhawan Son of Prem Nijhawan, Resident of 319-A, Pocket-C, Mayur Vihar Phase-2, P.S.- Patparganj, District- East Delhi- 110091.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Excise and Prohibition Department, Gov. 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, Excise Police Station, Gopalganj, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sudhanshu Prakash
For the Respondent/s	:	Mr.Government Advocate (8)
For the State	:	Mr. Ajay Bihari Sinha, GA-8
	:	Mr. Upendra Kumar Singh AC to GA-8

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY

ORAL ORDER

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

2 22-07-2024 In the instant writ petition, petitioner has prayed for the following relief/reliefs:

- i. For issuance of writ of certiorari quashing the order dated passed by the sdm, gopalganj in confiscation (excise) case no. 1157 of 2023, whereby he has declined to release the said NEXON car.*
- ii. For directing the sdm, gopalganj to release the NEXON car bearing registration no. UP-16-BY-2825 for*



Calgary White coloured Nexon Car having Engine No. REVTRN03FRYK6043 and Chasis No. MAT627221JG30430 which is lying in the Excise Police Station, Gopalganj in the favor 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 the State of Bihar** (CWJC No. 7920/2023) and **Binit Kumar Son Vs. the State of Bihar** (CWJC) No. 4040/2023 case.*

iv. For any other order/orders, relief/reliefs for which the petitioner may be entitled in the eyes of law.

2. Petitioner has sought two fold reliefs. One is in respect of quashing of the decision of the SDM, Gopalganj dated 24.01.2024 to the extent that the seized vehicle which is carrying huge quantity of liquor, in such circumstances, vehicle cannot be released. Decision of the SDM, Gopalganj dated 24.01.2024 is contrary to Rule 12-A of Bihar Prohibition and Excise Act, 2016 read with amended sub Rule 2 of Rule 12A in the year 2022 and 2023.

3. Accordingly, petitioner has made out a case so as to interfere with the order of SDM dated 24.01.2024 and it is set



aside.

4. Insofar as other relief is concerned, petitioner is hereby directed to file application under Rule 12-A in the prescribed form before the concerned authority. The concerned authority is hereby directed to pass speaking order and communicate the same to the petitioner within a period of two weeks from the date of receipt of such application under Rule 12-A.

5. Writ petition stands allowed.

(P. B. Bajanthri, J)

(G. Anupama Chakravarthy, J)

Manish/Gaurav-

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