

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13876 of 2024

Manti Kumari, wife of Kailash Chaudhary, D/o Ramji Choudhary, resident of
Village - Rajauli old bus stand, P.S. - Rajauli, District - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and Excise Department Bihar, Patna.
2. The Excise Commissioner, Bihar Prohibition and Excise Department, Bihar, Patna.
3. The Excise Officer, Bihar Prohibition and Excise Department, Gaya.
4. The District Magistrate, Gaya.
5. The Superintendent of Police, Gaya.
6. The officer Incharge of Muffasil Police Station, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Advocate
For the Respondent/s : Mr.Standing Counsel (21)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

5 06-12-2024 In the instant petition, petitioner has prayed for the
following relief(s):-

“(i) To issue a writ in the nature of certiorari for quashing the order vide Gyapank no. 3996 dated 17.11.2022 passed by the District Magistrate Gaya in Excise confiscation case no. 310 of 2019 by which the application for return the Bank guarantee or the original tile deed filed by the petitioner was rejected.

(ii) To issue a writ in the nature of Mandamus for a direction to the respondent to release the original tile deed in favour of the petitioner which has been deposited for the release of vehicle in excise confiscation case no. 310 of 2019 as a bond in light of CWJC No. 10433/2019.

(iii) Any other relief or reliefs for which the petitioner found entitled on the facts and circumstances of the case.”



2. Pursuant to P.S. Case No. 449 of 2018 dated 25.12.2018 confiscation proceedings were stated to have been initiated. Petitioner vehicle was released after executing bank guarantee. However, till date the confiscation proceedings have not attained finality. In not completing the confiscation proceedings within a reasonable period of time and in the light of Section 58 of Bihar Prohibition And Excise Act, 2016, petitioner has made out a case for release of the bank guarantee from the original title deed. Therefore, there is a total non application of mind in passing order dated 17.11.2022 vide Gyapank no. 3996 and in not taking note of the language employed in Section 58. Hence, order dated 17.11.2022 stands set aside.

3. The concerned authority is hereby directed to release the original title deed and bank guarantee in favour of the petitioner within a period of four weeks from today.

4. Accordingly, the present CWJC No. 13876 of 2024 stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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