

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11837 of 2024**

Manju Devi, Wife of Siv Kumar Mahto @ Shiv Kumar Mahto Resident of  
Village and P.O.-Izra, P.S.-Rahika, Distirct-Madhubani.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Development of Registration and Excise, Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Superintendent of Police, Madhubani.
4. That Station House Officer, Basopatti Police Station, District-Madhubani.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate  
For the Respondent/s : Mr. Government Pleader 7

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

**Date : 22-08-2024**

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

*“(1) That this is an application for issuance  
of appropriate writ/writs, order/orders,  
direction/directions for commanding the  
respondent authorities to release the Bolero Pickup  
vehicle bearing Registration No. BR-32GA-7180,  
Engine No. TBH1M27310, Chassis No.  
MA1ZU2TBKJ1A11605 in favour of the petitioner  
who is the owner of the vehicle in question and  
said vehicle was seized in pursuance to Basopatti  
P.S. Case No. 274 of 2023 dated 10.12.2023*



*registered for offences under section 272, 273,34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act 2022. In this way vehicle in question has been parked in the premises of Basopatti Police Station causing decay of vehicle on day to day as the same has been parked in open space without any use and in absence of any state hanger.*

*Petitioner further seeks indulgent of this Hon'ble Court for which he is entitled in the eyes of law and in the fact and circumstances of the present case.”*

2. Respondents have proceeded to complete the confiscation proceedings in which they have confiscated the subject matter of vehicle, resultantly, the petitioner has a remedy of filing Appeal before the Appellate Authority under Section 92 of the Bihar Prohibition and Excise Act, 2016 and further Revision under Section 93 of the Bihar Prohibition and Excise Act, 2016. The petitioner has also not approached the concerned authority while invoking Rule 12A of the Bihar Prohibition and Excise Rules, 2021. Taking note of all these remedies, the present petition is dearth of material information and so also lack of prayer.

3. Accordingly, the present petition stands disposed of, reserving liberty to the petitioner to invoke remedy of



Appeal before the Appellate Authority or in the alternative, he is permitted to invoke Rule 12A of the Bihar Prohibition and Excise Rules, 2021 including amended provisions in the year 2022 and 2023. If such application or appeal is filed, the concerned authority is hereby directed to decide the same at the earliest. Till decision is taken on the petitioner’s appeal or application filed under Rule 12A of the Bihar Prohibition and Excise Rules, 2021, the concerned authority is hereby directed to not to proceed with the auction of subject matter of motor vehicle.

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

**(P. B. Bajanthri, J)**

**( Alok Kumar Pandey, J)**

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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