

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15843 of 2022

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Md. Akhtar Alam Ansari Son of Md. Manjarul Haque Ansari, Resident of
Village- Shekhauna, Barharwa Tola, Ward No. 7, P.S.- Ghorasahan, Dist.-
East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Bihar, Patna.
2. The State of Bihar, through the District Magistrate, East Champaran at Motihari.
3. The Superintendent of Police, Motihari, Dist.- East Champaran.
4. Superintendent of Excise, Motihari, Dist.- East Champaran.
5. The Inspector Excise, Sikrahana Anchal, Dist.- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Alka Singh, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC 11

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

5 27-08-2024 In the instant writ petition, petitioner has prayed for
the following relief/reliefs:

*“I. For issuance of an appropriate writ /
order or direction (s) for directing and
commanding the respondents authorities to release
the Super Splendor Hero Honda Motorcycle
bearing Registration No. BR05Y-5431, Chesis No.
MBLJAR035H9L35911, Engine No.
JAO5EGH9L35595 in favour of the petitioner
which has been seized in connection with Excise*



Case No. 487 of 2021 Tr. No. 2125 of 2022, registered under section- 30(a), 47 of Bihar Prohibition and Excise Amendment Act. 2018 on the ground the petitioner is owner of the said Vehicle (Motorcycle).

II. For issuance of an appropriate writ / order or direction (s) for directing the respondent authority to above vehicle motorcycle in favour of the petitioner as the said vehicle is / was illegally seized by the authority and the

III. For issuance of an appropriate writ / order or direction (s) commanding and directing the respondents authority to release the vehicle in favour of the petitioner as he was not causing any prohibited items rather his vehicle (motorcycle) was earlier, stolen by some unknown persons on 05.12.2021 for which one Chhauradano P.S. Case No. 318/2021 dt. 09.12.2021 was registered under section 379 of the Indian Penal Code against unknown persons.

IV. For any other relief/reliefs for which the petitioner is entitled for.”

2. During pendency of the present writ petition, confiscation proceedings must have been completed. The concerned respondent is hereby directed to communicate all necessary documents to the petitioner so as to enable him to take further action in the matter. If the confiscation proceedings has not attained finality as on this day, in that event, petitioner is



at liberty to invoke Rule 12 A of the Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12 A in the year 2022 and 2023 in filing application in the prescribed form. If such application is filed, the concerned authority shall examine the grievance of the petitioner within a period of one month from the date of receipt of such application.

3. In the event of confiscation proceedings has attained finality, in that event, petitioner is at liberty to file appeal before the appellate authority.

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

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

GAURAV S./-

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