

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16700 of 2024

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Dhruv Kumar Paswan @ Dhrup Kumar Paswan, son of Mathura Paswan,
Resident of Village Hariharpur, P.S.- Tamkuhi Raj, District- Kushinagar (UP).

... .. Petitioner.

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, Gopalpur Police Station, Gopalganj, Bihar.

... .. Respondents.

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Appearance :

For the Petitioner	:	Mr. Sudhanshu Prakash, Advocate. Mr. Kumar Harshvardhan, Advocate.
For the State	:	Mr. Alok Ranjan, AC to AAG-5.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 29-10-2024

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

- i. For issuance of Writ of Certiorari quashing
the order dated 16.07.2024 passed by the
SDM, Gopalganj in confiscation (Excise)
Case No.267/2024, whereby he has
declined to release the said Motorcycle;
- ii. For directing the SDM, Gopalganj to
release the motorcycle bearing Registration
No.UP57BL6038 for Black Sparking Blue



Coloured Motorcycle having, Engine No.- HA11E7PHC04829 and Chassis No.MBLHAW215PHC03246 which is lying in the Gopalpur Police Station, Gopalganj in the favour 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 State of Bihar** (CWJC No.7920/2023).

And/or

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

2. Learned counsel for the petitioner relied on Coordinate Bench decision **dated 22.07.2024** passed in **C.W.J.C. No.10776 of 2024 (Sanjay Nijhawan Versus The State of Bihar and others)**.

3. Accordingly, the impugned order dated 16.07.2024 passed by the SDM, Gopalganj, in Confiscation (Excise) Case No.267 of 2024 stands set aside and whatever the observation made in the aforementioned decision holds good in the present order.

4. The concerned authority is hereby directed to revisit the matter and decide the grievance of the petitioner at the



earliest, preferably, within a period of two months from the date of receipt of this order.

5. Accordingly, the instant writ petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.10.2024.
Transmission Date	NA

