

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16926 of 2024

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Ajay Kumar Yadav, Son of Ramsagar Ray, Resident of Village- Harser, Ward
no.- 17, P.S.- Minapur, District -Muzaffarpur.

... .. Petitioner.

Versus

1. The State of Bihar through District Magistrate, Muzaffarpur.
2. The Superintendent of Police, Muzaffarpur.
3. The Officer in Charge of Excise Police Station, Muzaffarpur.
4. The investigating Officer of Excise Police Station, Muzaffarpur.

... .. Respondents.

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Appearance :

For the Petitioner	:	Mr. Yugal Kishore, Advocate.
For the State	:	Mr. Ajay Behari Sinha, GA-8. Mr. Suryakant Kumar AC to GA-8.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 19-11-2024

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

“For issuance of a writ in nature of
mandamus for commanding and direction the
respondents to release the Pickup Van vehicle
bearing registration no.-BR-06GF-6489, bearing
Chassis No.MA1ZN2TTKP1D38377, Engine
No.TTP1D14611 which has been seized by the res.
No.-3 in Excise P.S. Case No.1747/2023, dated
06/09/2023, under section 30(a)/32(3) of the Bihar
Prohibition and excise Act-2018-22 and the
petitioner has not got any show cause or notice in



respect of confiscation proceeding and the petitioner has also no knowledge about the real passion of the vehicle in question and further prays that if the vehicle in question has not been auctioned, then the vehicle in question should be released in favour of the petitioner as per section 12A Excise Act by fixing its current market price after getting valuation of the insurance value and if possible penalty rate may also be fixed by this Hon'ble court and/or pass any other order/orders, which may deems fit and proper in the fact and circumstances of the case.”

2. Petitioner has not assailed the order of the Additional Collector-cum-Additional District Magistrate, Muzaffarpur, dated 04.11.2023 passed in Confiscation Case No.118/23-24 by which he has passed the order of imposing certain penalty in terms of money and the same has not been challenged.

3. Be that as it may, petitioner is permitted to prefer an appeal before the Appellate Authority or to comply the penalty order within a period of four weeks from today.

4. If the subject matter of vehicle is not auctioned as on this day in that event, the concerned authority is hereby directed to not to undertake exercise of auction of the subject matter of vehicle till appeal is decided or in the alternative, if



the petitioner wishes to remit the penalty amount before the concerned authority, whichever is suitable to the petitioner.

5. With the aforesaid observations, the instant writ petition stands disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.11.2024.
Transmission Date	NA

