

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1006 of 2025

Vinod Kumar Sharma, S/o Kanhaiya Lal Sharma, R/o 66/A, Jindal Colony,
Old Gurgaon Road, South West Delhi- 110037 Director of V.K Buildcon Pvt.
Ltd. Address- Ground Floor, KH NO- 26/2, Samalkha, South West Delhi -
110037.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Prohibition Excise and
Registration Department, Government of Bihar.
2. The Excise Commissioner, Prohibition Excise and Registration Department,
Government of Bihar.
3. The District Magistrate, Kishanganj.
4. The Superintendent of Police, Kishanganj.
5. The Excise Superintendent, Kishanganj.
6. The Officer in charge, Police Station, Galgaliya, Dist. - Kishanganj.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar, Advocate
For the Respondent/s	:	Mr. Sunil Kr. Mandal, SC-3
		Mr. Bipin Kumar, AC to SC-3

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

Date : 18-03-2025

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

*“i. For issuance of writ of certiorari
quashing order dated 29.06.2024 passed by
District-Magistrate-cum-Collector, Kishanganj in
confiscation (Excise) Case No. 444 of 2024
whereby and whereunder penalty of Rs. Four lakhs*



fifty thousand three hundred twenty imposed upon petitioner for release of vehicle being Excessive, unreasoned, arbitrary order without considering the fact that petitioner/owner of the vehicle was not named in the FIR/chargesheet and he was not involved/connived in the misuse of the vehicle.

ii. For a direction upon the respondents to release the vehicle i.e. Tata Mini Container bearing Registration No. HR55AG8791, Engine No- FPY820496, Chassis no. MAT-544080K7F12562 in favour of the petitioner which was seized in connection with Confiscation Case No. 444 of 2024 arising out of Galgaliya P.S. Case No. 20 of 2024 under Bihar Prohibition and Excise Act, 2016.

iii. For issuance of appropriate Writ/Writs, Order/Orders, direction/directions as may be deemed fit and proper.”

2. The petitioner has a statutory remedy of appeal before the Appellate Authority under Section 92 of the Bihar Prohibition and Excise Act, 2016 and further he has a remedy of Revision without exhausting such remedies, he has rushed to



this Court. Writ Court can entertain Writ only if there any violation of statutory provisions of law and violation of principle of natural justice, both the ingredients have not been made out. In the result, Writ petition is premature. The petitioner is relegated to the appellate authority. If the petitioner files Appeal before the Appellate Authority, the same shall be considered by the Appellate Authority within a period of 03 months from the date of receipt of such appeal. It is to be noted that there is no time limit stipulated for the purpose of filing appeal. Therefore, the Appellate Authority is requested to decide Appeal on merits.

3. With the above observation, Writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.03.2025
Transmission Date	NA

