

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2010 of 2025

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Pappu Mandal Son of Mahabir Mandal, Resident of- Village- Narayanpur
Laxmipur, P.S.- Ismailpur, Bhagalpur, Bihar- 853205.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Prohibition and Excise Department, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Bhagalpur.
3. The Senior Superintendent of Police, Bhagalpur.
4. The Additional Collector (Revenue), Bhagalpur.
5. The Assistant Commissioner, Prohibition and Excise Department, Bhagalpur.
6. The S.H.O., Sanahula P.S., Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dr. Pratyush Kumar, Advocate Mr. Rohit Kumar, Advocate Mr. Narendra Pandey, Advocate
For the Respondent/s	:	Mr. Standing Counsel (09)
For the State	:	Mr. Kinkar Kumar, (SC-9) Ms. Sushmita Sharma, (AC-SC9)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

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

3 30-04-2025 In the instant petition, petitioner has prayed for the
following reliefs:

*“(i) For issuance of writ of
mandamus to set aside the order dated
30/08/2024 passed in Excise Case No.
36/2024-2025 [State versus Pappu
Mandal] passed by the Respondent
No. 4 has been pleased to impose the
maximum penalty of Rs. 5,00,000/-*



(Rupees Five Lac only) and further ordered to deposit three percent of the penal amount, i.e., Rs. 15,000/- (Rupees Fifteen Thousand only) as penalty towards maintenance of the vehicle which has been passed in purely biased and arbitrary manner overlooking the fact that the petitioner was nowhere involved in the carriage of the seized liquor'

(ii) For issuance of appropriate Order/ Orders, Direction/ Directions to the respondents to release the vehicle of the petitioner, i.e., Mahindra Scorpio bearing registration no. BR10PB4760, Chasis no. MA1TA2TDKK2F14427 and Engine No. TDK4F77499 which has been seized in connection with the Sanahula P.S. Case No. 64/24, dated 06/05/2024 for the offence under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

(iii) For any other Direction/ Directions which your Lordships may deem fit and proper in the facts and circumstances of the instant case."

2. The petitioner without exhausting statutory remedy of



appeal under Section 92 of the Bihar Prohibition and Excise Act, 2016, he has rushed to this Court. Therefore, he has been relegated before the Appellate Authority to file memorandum of appeal under Section 92 of the Bihar Prohibition and Excise Act, 2016. If such appeal is filed, the concerned Appellate Authority is requested to decide the petitioner’s appeal within a period of three months from the date of receipt of such appeal. In the meanwhile, respondents are hereby directed to not to auction the subject matter of vehicle till disposal of appeal to be filed.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Sudhanshu/-
Manish/-

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