

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2142 of 2025

Vishram Ram, M 32 Years Son of Bhadai Ram R/O Village.- Bandhawa, P.S.-
Bhore, in the district of Gopalganj, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and Excise Department, Bihar Patna.
2. The District- Magistrate, Gopalganj.
3. The Superintendent of police, Gopalganj.
4. The officer in charge of Phulwariya police station, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms. Swarnima, Advocate
For the State	:	Mrs. Deepika Sharma, AC to SC 15

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

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

4 23-07-2025 In the instant writ petition, petitioner has prayed for
the following reliefs :

“I. For that this civil writ application is being filed for commanding and directing the respondents authorities to release the Motorcycle of the petitioner bearing Reg. no. BR-2852453 and he has every valid document for the same and having Chesis No. MBLHAR083HHJ50370, Engineno. HA10AGHHJF3694, seized by Phulwariya Police Station, Gopalganj in connection with Phulwariya P.S. Case No. 450/23 registered U/S-30(a) of Bihar Excise Act, in favour of the petitioner or his representative, in favour of the petitioner or his representative.



*II. 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).*

III. Any other relief/s to which the Petitioner is entitled in the facts and circumstances of the case.

IV. That the present petitioner is a peaceful and law abiding citizen of India and the petitioner bought this vehicle for personal use and was carrying the same purpose."

2. Before filing the present writ petition, confiscation proceedings has attained finality and the same is required to be assailed before the appellate authority under Section 92 of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act, 2016'). The petitioner has not resorted to such remedy, therefore, the petitioner is relegated to invoke remedy of appeal before the appellate authority under Section 92 of the Act, 2016.

3. If such appeal is filed within a period of one month from today, the concerned authority is directed to decide the petitioner's memorandum of appeal within a period of three months from the date of filing of the appeal.

4. Respondents are hereby directed to not to auction the subject matter of vehicle till disposal of the memorandum of



appeal to be filed and decided by the appellate authority.

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

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

GAURAV S./-

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