

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2366 of 2025

Rajeev Kumar Yadav Son of Uchit Lal Yadav, R/o- Village- Marni Dhouni,
Bamdev, P.S.- Rajoun, P.O- Morma, District- Banka, Pin Code- 813107.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary Department of Excise,
Government of Bihar, Patna.
2. The District Magistrate, District- Bhagalpur.
3. The Additional District Magistrate, Bhagalpur.
4. The Superintendent of Police, District- Bhagalpur.
5. The Officer-in- Charge of Ismailpur Police Station, Naugachia, District-
Bhagalpur.
6. The Excise Commissioner, District- Bhagalpur.

... .. Respondents.

Appearance :

For the Petitioner : Mr. Ankit Raj, Advocate.

For the State : Mr. Santosh Chandra Bhaskar, AC to GP-11.

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

Date : 20-03-2025

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

“I. For issuance of appropriate writ, order or direction in the nature of Mandamus thereby directing the respondents to release the Vehicle in question i.e. Diamond White Mahindra Classic Scorpio MT 87 bearing Registration No.BR10 AL 8952, Chassis No.MA1TA2YS2N2K13077, Engine No.YSN4J55387 which is seized in connection with Ismailpur P.S. Case No.18 of 2024 instituted under section 30 a of Bihar Prohibition and Excise Act, 2016.

II. For grant of such other order or direction/ directions for which the petitioner is found entitled in the facts and circumstances of the case.”

2. Confiscation proceedings have been completed on



12.09.2024. The petitioner has not challenged the same before the Appellate Authority. Without exhausting such remedy of appeal before the Appellate Authority, the petitioner has approached this Court in seeking release of the subject matter of the vehicle. Accordingly, the instant writ petition is premature.

3. Petitioner is at liberty to to invoke remedy of appeal before the Appellate Authority under Section 92 of the Bihar Prohibition and Excise Act, 2016 against the order dated 12.09.2024. If such appeal is filed, the concerned Appellate Authority is hereby directed to decide the petitioner’s appeal within a period of two months from the date of receipt of such appeal. Till disposal of the appeal to be filed on behalf of the petitioner, the concerned respondent is hereby directed to not to proceed in auctioning the subject matter of the vehicle.

4. With the above observation, the instant writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.03.2025.
Transmission Date	NA

