

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4011 of 2025

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A.G. Transport @ A.G. Traders a proprietary concern having its office at Khesra No. 4629/10, Basement near Bhalla Chemicals, Daulatabad Road, Gurugram, Haryana- 122001 through its Authorised Signatory / Person namely Mr. Charan Jeet Singh, male, aged about 30 Years, S/o- Durga Singh, R/o- 89, Mev Mohalla, Indpura Road, VTC Tilwar, P.O.- Indpura, District- Alwar, Rajsthan, Pin- 301026.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise and Prohibition, Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate Cum Collector, Buxar, Bihar.
4. The Sub-divisional Magistrate, Buxar Sadar, Bihar.
5. The Excise Superintendent of Police, Buxar, Bihar.
6. The Excise Inspector, Buxar, Bihar.
7. The Officer-in-Charge, Excise Police Station, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anand Kumar Tiwari, Advocate Mr. Sunil Kumar Tiwari, Advocate Mr. Nishi Kant, Advocate Mr. Harshit Ranjan, Advocate Mr. Narendra Kumar Sinha, Advocate
For the Respondent/s	:	Mr. M. Nasrul Huda Khan, Standing Counsel (1) Mr. Md. Harun Quareshi, AC to SC 1

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 07-03-2025

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

(i) For issuance of an appropriate Writ/Writs, direction/directions or order/orders especially in the nature of Certiorari, to set-aside the order dated 15.11.2024 arising out of Case No. 70/2024/208/2024 (State vs Lokesh Bansal (Proriator-AG Transport) passed by Sub-Divisional Magistrate, Buxar Sadar (Bihar),



whereby and whereunder the Commercial vehicle (Container Truck) bearing Registration Number-HR-55-AH-7501 registered in the name of Petitioner company namely A.G. Transport, at Khesra No. 4629/30, Basement, near Bhalla Chemicals, Daulatabad Road, Gurgaon, Haryana-122001, has been confiscated and directed for auction.

(ii) For issuance of appropriate Writ/Writs, direction/directions or orders/order especially in the nature of Mandamus for commanding the Respondent Authorities to, henceforth, release the seized vehicle to the petitioner, mentioned hereinabove (HR-55-AH-7501), by receiving the amount of penalty amounting Rupees 5,00,000/- vide order dated 21/10/2024 passed in Case No. 70/2024/208/2024 by the court of Learned Sub-Divisional Magistrate, Buxar Sadar.

(iii) For issuance of appropriate Writ/Writs, direction/directions or orders/order especially in the nature of Mandamus directing the Respondents that during the pendency of the present writ petition, the Respondents may be restrained from taking any coercive step in pursuance of the proceeding under Bihar Prohibition Excise Act, 2016 against the confiscated vehicle.

(iv) For any other relief/reliefs, which the Hon'ble court may grant in general interest, that may be deemed appropriate and necessary in this case.

2. With the consent of the respective parties the present petition is taken up for final disposal. The petitioner has a statutory remedy of appeal before the Appellate Authority under Section 92 of Bihar Prohibition and Excise Act, 2016. And further he has a remedy of Revision. On the other hand, he has approached this Court without resorting to statutory remedy of appeal only on the sole ground that the subject matter of vehicle is to be auctioned today. Therefore, the concerned Authority is hereby directed to not to proceed with auction till disposal of Appeal to be filed. Permitting the petitioner to file



appeal before Appellate Authority within a period of 30 days from today. Appellate Authority requested to decide the appeal to be filed within two months from the date of receipt of appeal.

3. Copy of this order would be communicated to the confiscation Authority through the State counsel Mr. M. Nasrul Huda Khan during the course of the day. He is permitted to communicate through mobile or telephone so as to stop further auction proceedings in the matter.

4. With the above observation, the C.W.J.C. No. 4011 of 2025 stands disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

khushbu/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	07.03.2025
Transmission Date	

