

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3696 of 2025

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Arnika Kushwaha Daughter of Kamlesh Kushwaha Resident of Village-
Karan Patti P.S.- Tamkuhiraj District -Kushinagar (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The District Magistrate Cum-Collector, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The S.H.O. Gopalpur Police Station, District-Gopalganj.
5. The Investigating Officer of Gopalpur P.S. Case No. 166/2024, Gopalpur
Police Station, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey
For the Respondent/s : Mr. Standing Counsel (7)

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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 10-04-2025 In the instant Writ petition, petitioner has

prayed for following reliefs:-

“ (i) A writ in the nature of
mandamus or any other appropriate writ
order/orders, direction/directions to
commanding the respondent to release,
Hero Splender Plus Motorcycle bearing
Registration No. UP57BM7661, Engine
No. HA11E7PHE75826, Chassis No.
MBLHAW223PHEA7337 in favour of the
petitioner which has been seized earlier



in connection with Gopalpur P.S. Case No. 166/24 registered for the offence under Section 30(a) Bihar Prohibition and Excise (Amendment) Act 2022 dated 26.07.2024 forthwith:-

(ii) To any other relief/reliefs for with petitioner is found in title to.”

2. The petitioner has not assailed the confiscation order dated 20.01.2025 before the appellate authority on the other hand he has rushed to this Court. Petitioner is at liberty to invoke remedy before the appellate authority under Section 92 against the confiscation order dated 20.01.2025. If such appeal is filed, the same may be considered and disposed within a period of three months. Simultaneously, he is permitted to invoke remedy before the concerned authority under Rule 12(A) of the Bihar Prohibition and Excise Rules, 2021 read with amended Sub-Rule 2 of Rule 12(A) in the year 2022 and 2023. If such application is filed, the same may be considered and disposed within a period of two months. Till disposal of appeal to be filed by the petitioner



against the confiscation order dated 20.01.2025, the concerned authority is hereby directed to not to take auction proceedings.

3. With the above observation, present C.W.J.C.
No. 3696 of 2025 stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Nirajkrs/-

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