

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5247 of 2025

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Md. Rasool, S/o Late Md. Wahid, resident of Village- Tamghatti, P.S. -
Baushi, District- Araria.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Prohibition Excise and Registration Department, Bihar.
2. The Divisional Commissioner, Purnea Division, Purnea.
3. The Collector cum District Magistrate, Purnea.
4. The Addl. Collector Cum Addl. District Magistrate, Purnea.
5. The Superintendent of Police, Purnea.
6. The Asstt. Commission, Prohibition Excise, Purnea.
7. The S.H.O., Maranga Police Station, Purnea.
8. Jai Prakash Sharma, S/o Satya Narain Sharma, resident of village- Sadalpur Khurd, P.S. - Rautara, District - Katihar.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate
For the State	:	Mr. K.K. Singh, AC to G.P.22

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL JUDGMENT

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

Date : 24-04-2025

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

*(1.) That this is an application for
issuance of an appropriate writ, order or direction,
quashing the order dated 23.08.2024 passed by the
learned Addl. Collector cum Addl. District*



Magistrate, Purnea in Excise Case No. 94/2024-25 whereby the Addl. Collector while releasing the vehicle bearing No. BR11GE-6341 in favour of the petitioner directed him to deposit a sum of Rs.3,14,000/- (50% of insured amount) and Rs. 9420 as penalty for release of vehicle.

And further direct the Respondent-concern to release the vehicle in favour of the petitioner after receiving the minimum amount of penalty considering the fact that petitioner has no role to play in the alleged transportation of illicit liquor.

And for any other relief(s) for which they petitioner is found to be entitled in the facts and circumstances of the case.”

2. Petitioner without exhausting statutory remedy of Appeal before the Appellate Authority against the confiscation order, he has rushed to this Court. Therefore, *Prima facie* the present writ petition is premature. In the result, petitioner is relegated to Appellate Authority. If memorandum of appeal is filed before the Appellate Authority, the Appellate Authority is hereby requested to consider and decide the Appeal



within a period of two months from the date of receipt of such appeal.

3. With the above observation, the Writ petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.04.2025
Transmission Date	NA

