

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5630 of 2025

=====

Binda Ram Son of Suchit Ram Resident of Village- and PO Gansia, P.S.-
Manjha, District- Gopalganj,

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. Sub-Divisional Officer, Gopalganj, District-Gopalganj.
5. The Deputy Superintendent of Police, Gopalpur, District-Gopalganj.
6. The Inspector of Police, Gopalpur, District-Gopalganj.
7. The Officer-in-Charge, Police Station-Gopalpur, District-Gopalganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Md. Imtiyaz Hussain, Advocate
For the Respondent/s : Mr.Shiv Kumar, AC to GA-3

=====

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 14-05-2025 In the instant writ petition, the petitioner has prayed
for the following relief:-

“(1) For issuance of an appropriate Writ or
direction commanding the respondent for release the
Motor Cycle to the Petitioner.

(II) For commanding the respondent for
release the seized vehicle as follows:-

Vehicle Class- Motor Cycle, Hero
Moto Corp Ltd.
Model-SpelenderPro.
Chasis No.- MBLHA10BFFHJ39413



Engine No.- HA10ERFHJ41735

Reg. No.- (Vehicle No.) BR28M7082

(III) For given direction to the Respondent for release the said vehicle in favour of the Petitioner.

(IV) For said Motor Cycle was seized by the Police without any reason. The Petitioner is not accused in this case. The named accused was arrested by the Police with 05.200 Ltr. Country made liquor wine and 19.620 Ltr. Liquor Foreign made wine has been recovered according to the Seizure List was prepared and accused send to Jail.

(V) For that already Police lodged the case Gopalpur P.S. Case No. 89 of 2022 against the made accused persons under Section 30 (a) of Bihar Prohibition and Excise Act, 2018 the named accused persons have already been granted bail by the Learned Court below and this case is pending before the Learned A.D.J.-VI Special Judge (Excise Act) Gopalganj.

(VI) For granting any other relief or reliefs as your Lordships may deem fit and proper to the Petitioner.”

2. Despite conclusion of confiscation proceeding on 23.09.2022 and auction of the subject matter vehicle on 01.11.2022, the petitioner invoke remedy under Article 226 of the Constitution of India in filing the present writ petition in the year 2025. He has statutory remedy of appeal before the appellate authority and the same has not been exhausted.

3. Be that as it may, the subject matter vehicle is already auctioned on 01.11.2022. If the petitioner feels that he



has merit, in that event, he has remedy of invoking remedy before the appellate authority under Section 92 of the Bihar Prohibition and Excise Act, 2016 insofar as assailing the confiscation order dated 23.09.2022.

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

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

ranjan/-

U			
---	--	--	--

