

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7656 of 2025

=====

Rajnitik Choudhary, Son of Nathuni Choudhary, resident of 72/1, Bon Bihari Bose Road, P.O. Howrah, District - Howrah, West Bengal.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The District Magistrate, Banka.
3. The Superintendent of Police, Banka.
4. The Excise Superintendent, District - Banka.
5. The D.C.L.R., Banka.
6. The Dy S.P., Banka.
7. The S.H.O., Baunsi Police Station, District - Banka.

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda, Advocate
For the Respondent/s : Mr.Madhukar Mishra, AC to SC-16

=====

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 : 09-07-2025

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

“I. For issuance of a writ of certiorari or any other appropriate writ, order or direction for quashing the order dated 05.10.2024 in Excise Confiscation Case No. 107 of 2023-2024 passed by respondent no.5. The D.C.L.R. Banka by which he has directed the petitioner to deposit 50% of the Insurance value of the motor vehicle i.e. Rs. 2,50,000/- (two lakh fifty thousand) and also



directed to deposit 3% i.e. Rs. 7500/- for maintenance to release the seized Tata 407 Mini Truck of the petitioner bearing Registration No.WB11D9947.

II. For issuance of a writ of mandamus or any other appropriate writ, order or direction to release the petitioner's Tata 407 Mini Truck bearing registration No. WB11D9947 on reasonable surety at the rate of 10% of the Insurance value or fixed by this Hon'ble High Court considering that the petitioner is an unemployed person and by taking the petitioner has purchased the aforesaid mini truck.

III. For issuance of an appropriate writ, order or direction for granting ad-interim stay restraining the respondent from putting the petitioner's vehicle on auction sale during the pendency of this writ application.

IV. For any other appropriate relief/reliefs for which the petitioner may be deemed entitled."

2. Petitioner without exhausting statutory remedy of Appeal before the Appellant Authority under Section 92 of the Bihar Prohibition and Excise Act, 2016, he has rushed to this Court. Therefore, it is premature Writ petition. Accordingly, the present Writ petition stands disposed of with the following observation:-



(i) The petitioner is permitted to file Appeal before the Appellate Authority within a period of 06 weeks from the date of receipt of this order.

(ii) The concerned Appellate Authority is hereby requested to decide the petitioner’s Appeal within a period of 02 months. Till deciding Appeal of the petitioner, the Concerned Authorities are hereby directed to not to proceed with auction.

(iii) In the event of non-filing of Appeal, the concerned Authorities are at liberty to proceed for auction of the subject matter of vehicle and other proceedings strictly in accordance with relevant Rules/after due following principles of natural justice.

3. With the above observation, C.W.J.C. No. 7656 of 2025 stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2025
Transmission Date	NA

