IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7020 of 2025

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Jay Prakash S/o Rampal, resident of Village- Anwala Sultanpur Barari, Mathura, P.S.- Refinery, District- Mathura (U.P.).

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and Excise Department, Bihar, Patna.
2. The District Magistrate, Kaimur at Bhabua.
3. The superintendent of Excise, Kaimur at Bhabua.
4. The Superintendent of Police, Kaimur at Bhabua.
5. The Officer in charge, Excise Police Station, Kaimur at Bhabua.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sudhir Kumar Sinha
For the Respondent/s	:	Mr.Government Advocate (8)

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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 15-05-2025 Counter affidavit has been filed, during the course of the day, is kept on record.

2. In the instant writ petition, petitioner has prayed for the following reliefs :

> *"(i) To issue an appropriate order/s, direction/s including a writ preferably in nature of Mandamus commanding the respondents to release the vehicle/Maruti Suzuki Swift VXI Car bearing Registration No. UP85CK-5367, Chassis No. MBHCZCB3SPGC75881, Engine No. K12NP1458793 in favour of the petitioner*

who is owner of the said car seized in Prohibition and Excise P.S. case No. 424 / 2024 registered under section 30 (a)/ 32 (3) of Bihar Prohibition and Excise Amendment Act, 2018 lying in the premises of Police station and subject to natural decay by furnishing fine to the satisfaction of learned District Magistrate, Kaimur at Bhabua.

(ii) Any other relief/s to which the petitioner is entitled in the facts and circumstances of the case."

2. Learned counsel for the respective parties, on instruction, submitted that confiscation proceedings has attained finality, therefore, petitioner has statutory remedy of appeal before the appellate authority under Section 92 of the Bihar Prohibition and Excise Act, 2016. If such remedy is availed by the petitioner, the same shall be considered by the concerned authority within a reasonable period of three months from the date of receipt of memorandum of appeal.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

GAURAV S./-

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