

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6199 of 2025

Chulhai Kumar @ Mulhai Kumar Son of Vindeshwar Paswan @ Visheshwar Paswan @ Bindeshwar Paswan, resident of village- Khatari Chowk ward no. 04, P.S. - Mahua, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Commissioner, Excise Department, Government of Bihar, Patna.
3. The Collector-cum-District Magistrate, Vaishali.
4. Sub-Divisional Officer, Vaishali, District - Vaishali.
5. Deputy Collector, Land Reform, Hajipur, Vaishali.
6. District Transport Officer, Hajipur, Vaishali.
7. The Excise Superintendent, Vaishali.
8. S.H.O. of Excise Mahua Police Station, Vaishali.
9. Investigating Officer Excise Mahua P.S. Case no. 113/2023.

... .. Respondent/s

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr.Gyan Prakash Ojha, GA7

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

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

2 07-05-2025 None appears for the petitioner.

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

“(i) For directing and commanding the respondents to quash the ex-parte order dated 19.9.2024 (Ann-P/3) passed in Criminal Miscellaneous Confiscation case no. 09/2024 'State Vrs Chulhai Kumar' passed by respondent no-5, learned Deputy Collector Land



Reform, Hajipur whereby and whereunder he has confiscate the Hero Splendor motorcycle bearing registration number BR-31AQ-2542 without hearing the petitioner.

(ii) And also directing and commanding the respondent to release the motorcycle in question i.e. Hero Splendor motorcycle bearing registration number BR-31AQ-2542 in favour of the petitioner as he is registered owner and ready to deposit the amount as per law.

(iii) For directing and commanding the respondents to take immediate an appropriate action with respect to release the said Hero Splendor motorcycle as valuation of the said seized motorcycle is decreasing day by day.

(iv) And also for any other relief / relieves for which petitioner is found to be legally entitled under the facts and circumstances of the case.”

3. The petitioner has statutory remedy of appeal before the Appellate Authority under Section 92 of Bihar Prohibition and Excise Act, 2016. Without exhausting such remedy, he has rushed to this Court. Therefore, the petitioner is relegated before the Appellate Authority, if such appeal is filed, the same shall be decided by the Appellate Authority within a reasonable period of three months from the date of receipt of such appeal.

4. The concerned authority is directed not to proceeded with auction of the seizure of the vehicle till disposal of appeal to be filed, if vehicle is not auctioned as on this day.



5. With above observation, the present CWJC No. 6199 of 2025 stands disposed of.

6. The petitioner is also permitted to invoke remedy under Rule 12A 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 in the prescribed format before the authority, the same shall be considered at the earliest.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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