

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5500 of 2025

Parvej Alam S/o- Naseem Ansari, R/o Village- Padari, P.S.- Kuber Asthan,
District- Kushinagar (U.P).

... .. Petitioner.

Versus

1. The State of Bihar Through Secretary Department of Excise, Bihar Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The S.H.O. Gopalpur P.S., District Gopalganj.

... .. Respondents.

Appearance :

For the Petitioner	:	None.
For the State	:	Mr. Standing Counsel (24).

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 : 06-05-2025

None appears for the petitioner.

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

“i. For directing and commanding the respondent authorities to release the Vehicle namely Bajaj KTM Duke-200 motorcycle bearing Registration No.-UP57BM4804, Engine No.-P93638200 and Chassis No.-MD2JPC-XC3PN004228 in favour of the petitioner which has been seized in connection with **Gopalpur P.S. Case No.06 of 2024** registered on 10.01.2024 under Section 30(a) of Bihar Prohibition and Excise Act Amendment Act-2022.

ii. For directing and commanding the respondent authorities to release the Vehicle namely Bajaj KTM Duke-200 motorcycle in



the favour of the petitioner on the ground that the petitioner is the owner of the said motorcycle and same is lying under open sky in the police station as nobody is there to take care of the motorcycle.

iii. For issuance of any other relief or relief(s) for which the petitioner is entitled for.”

3. The petitioner without exhausting remedy of appeal before the Appellate Authority against the confiscation order dated 16.07.2024, he has rushed to this Court. Be that as it may, he is at liberty to invoke the remedy under Section 92 of the Bihar Prohibition and Excise Act, 2016, insofar as filing appeal against the confiscation order dated 16.07.2024. Simultaneously, he is permitted to file an application under Rule 12A of Bihar Prohibition and Excise Rules, 2021 including amended provisions in the year 2022 and 2023. If such application/appeal is filed, the concerned authority is hereby directed to expedite the matter and decide the application filed under Rule 12A of Bihar Prohibition and Excise Rules, 2021 including amended provisions in the year 2022 and 2023 within a period of one week from the date of filing of such application. Appeal shall be decided within a period of three months from the date of receipt of such appeal. The concerned authority is hereby directed not to proceed with the auction of the subject



matter of the vehicle till the disposal of the appeal, if the subject matter of the vehicle is not already auctioned as on this day.

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

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.05.2025.
Transmission Date	NA

