

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8179 of 2025

Abhishek Kumar Srivastava, Son of Vijay Kumar Srivastava, Resident of Village- Bankata Nikat, Chitra Gupt Ball Vidya Mandir, P.S.- Ballia, District-Ballia, Uttar Pradesh.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Saran at Chapra.
3. The Assistant Excise Commissioner, Saran at Chapra.
4. The Superintendent of Excise, Saran at Chapra.
5. The Vehicle Inspector, Saran at Chapra.
6. The Excise Inspector-cum-Station House Officer, Excise Police Station, Sadar, Saran at Chapra.
7. The Excise Assistant Sub-Inspector, Excise Police Station, Sadar, Saran at Chapra.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar Singh, Advocate
For the Respondent/s : Mr. AC to Government Advocate-7

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

5 11-11-2025 Heard learned counsel for the petitioner and learned
AC to GA-7 for the State.

2. This writ application has been filed seeking the
following reliefs:-

“(i) For release of petitioner’s Mahindra
& Mahindra Pickup Goods Carrier
vehicle, bearing its Registration Number
as UP-60AT-7486, Chassis No.
MA1ZN2TNKM5A12134 and Engine
No. TNM4A75873 which has been got



seized in connection with Saran Excise P.S. Case No. 483 of 2023 registered for the offences punishable under sections 30(a) of the Bihar Prohibition and Excise Act on 09.07.2023, seized for the alleged violation of Excise Laws, in favour of the petitioner.

And

(ii) Also for restraining the respondent authorities from initiation and completion of confiscation proceeding against petitioner's Mahindra & Mahindra Pickup Goods Carrier vehicle, bearing its Registration Number as UP-60AT-7486, Chassis No. MA1ZN2TNKM5A12134 and Engine No. TNM4A75873 which has been got seized in connection with Saran Excise P.S. Case No. 483 of 2023.

And

(iii) Also for any other relief/reliefs for which the petitioner is found entitled in the eye of law.”

3. It appears from the pleadings available on the record that one I/C ASI Anil Kumar Sah had earlier prepared the seizure list of the vehicle in question giving wrong registration number and on that basis, a confiscation case bearing No. 401 of 2023 was initiated by the Confiscating Authority. Obviously, the notice was issued to the owner of the vehicle which was not



under seizure, therefore, the vehicle owner did not appear in the said proceeding. In his absence, a confiscation order dated 15.01.2024 was passed, copy of which is enclosed as Annexure 'B' to the counter affidavit. Later on, it came to the notice of the Assistant Commissioner, Excise and Prohibition that ASI Anil Kumar Sah had mentioned wrong registration number, chassis number and engine number in the seizure list. For this act of gross negligence and dereliction in duty, he was served with a show cause notice. Said Anil Kumar Singh, ASI filed a requisition for correction in the FIR and the seizure list which was forwarded to the Special Public Prosecutor, Excise. The Confiscating Authority having come to know about the mistake committed by the ASI cancelled the earlier confiscation order passed in Confiscation Case No. 401 of 2023 and closed the same.

4. On the basis of a fresh recommendation, Confiscation Case No. 303 of 2025 has been initiated by the Confiscating Authority. It is stated in the counter affidavit that a notice under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 (hereinafter referred to as the 'Rules of 2021') has been issued to its owner (the petitioner). Now the petitioner has to appear in the Confiscation Case No. 303 of 2025 and place



the matter.

5. On perusal of the ordersheets, we find that as back as on 23.07.2025, an Hon'ble Division Bench of this Court has passed the following order:-

“Respondents are hereby directed to release the subject matter of vehicle, within a period of two days, under the bond to be executed by the petitioner for a sum of Rs.2,00,000/- (two lakh rupees). Such bond shall be released in favour of the petitioner once the confiscation proceedings and other proceedings are concluded. The respondents are hereby directed to conclude the confiscation proceedings within a reasonable period of time of 02 months from today.

2. In the meanwhile, State – Respondents are hereby directed to file their Counter Affidavit positively before the next date of hearing.

3. The petitioner is hereby directed to furnish genuine documents before the concerned authority in order to claim he is owner of the vehicle.

4. Re-list this matter on 20.08.2025.”

6. Learned counsel for the petitioner submits that he has no instruction as to what has been done by the petitioner after passing of the order by this Court.

7. In our considered opinion, the petitioner is now



required to approach the Confiscating Authority and seek his remedy in terms of the rules, particularly, Rule 12A of the Rules of 2021 if it is available to him. This Court has already passed an effective order on 23.07.2025. The Confiscating Authority shall take note of the same and dispose of the confiscation case as early as possible. The petitioner shall appear before the Confiscating Authority if he has not already appeared within three weeks from today.

8. We also take note of the information furnished in the counter affidavit with regard to the action taken against the ASI. The competent authority in the Department of Registration, Excise and Prohibition, Government of Bihar shall ensure that the action initiated against the ASI is taken to a logical end in accordance with law within three months from the date of receipt/submission of a copy of this order.

9. This writ application stands allowed to the extent indicated hereinabove.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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