

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9462 of 2025

Sanjeev Kumar Son of Ram Chandra Yadav resident of Ward No. 8, P.S. Patori, P.S. Shahpur Patori, District Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Excise Commissioner Cum-Inspector General of Registration, Prohibition, Excise and Registration Department Govt. of Bihar, Patna.
2. The State Transport Commissioner, Transport Department, Govt. of Bihar, Patna.
3. The Secretary, Transport Department, Govt. of Bihar, Patna.
4. The District Magistrate, Siwan.
5. The Additional Collector, Siwan.
6. The Superintendent of Police, Siwan.
7. The Excise Superintendent, Siwan.
8. The District Transport Officer, Patna.
9. The District Transport Officer, Patna.
10. The Station House Officer, Siwan Muffasil Police Station, District Siwan.
11. The Investigation Officer of Siwan Muffasil P.S. Case no. 435/2021, Siwan Muffasil Police Station District Siwan.
12. Sonu Kumar Sharma, Son of Kanhaiya Sharma, resident of village and P.O. Asaon, P.S. - Asaon, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.Standing Counsel (25)

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 11-07-2025 None appears for the petitioner.

2. In the instant petition, petitioner has



prayed for following relief(s):-

(i) *For issuance of writ in the nature of certiorari for quashing of part of order dated 25.11.2022 passed by Addl. Collector, Siwan in Excise Act Case No. 49/2021-22 whereby the Registration NO. BR01PF-9666, Chassis No. MA1T A25JXF-251 1902 Engine No. SJF4 J12128 with respect to vehicle Scorpio-S10 has been directed to be confiscated under section 58 of Bihar Prohibition and Excise Act 2016 for recovery of 270 liter country made liquor namely Banti Bably, but in fact the vehicle Scorpio-S10 which was ordered to be confiscated is not belonged to the petitioner but its Regd. No. BR01PF-9666, Chassis No. MA1T A25JF-25-11902 Engine No. SJF 4J12128 which was registered in the name of petitioner with respect to real vehicle of petitioner i.e. Scorpio-S10 in possession of petitioner, has been interpolated and manufactured in confiscated vehicle in illegal and wrong manner.*

(ii) *For issuance of writ in the nature of Mandamus direction to Respondents converted to exempt the name of petitioner and also Regd. No.*



BR01PF- 9666, Chassis No. MA1T A25JXF-25-11902 Engine No. SJF 4J12128 from the confiscation proceeding bearing No. 49/2021-22.

(iii) For direction to respondents to search out the correct Regd. No. Chassis no. and Engine No. Of the vehicle confiscated and also search the real owner of the aforesaid seized and confiscated vehicle and prosecute them in the first information report as well as in confiscation proceeding.

(iv) For direction to Respondents to delete the name of respondent no. 12 from the Website of Transport Department with respect to Regd. No. BR01PF- 9666, Chassis No. MA1T A25JXF-25-11902 Engine No. SJF 4J12128 which belonged to petitioner's vehicle Scorpio-S10.

(v) For direction to respondents concerned to put the name of petitioner in the Web site of Transport Department with respect to Regd. No. BR01 F 9666, Chassis No. MA1TA25 JXF-2511902, Engine No. SJF 4J 12128 which was registered with petitioner's vehicle Scorpio S10 and said vehicle is available in possession of petitioner presently.



(vi). For any other appropriate writ order direction save and except in accordance with law.

2. The petitioner has not exhausted statutory remedy of appeal before the Appellate Authority against the confiscation order dated 25.11.2022. Therefore, prima facie the present petition is premature. Be that as it may, petitioner is at liberty to invoke remedy before the Appellate Authority in filing appeal under section 92 of Bihar Prohibition & Excise Act, 2016.

3. If such Appeal is filed, the concerned Appellate Authority is hereby directed to decide the petitioner's Appeal within a period of 03 months from the date of receipt of this order.

4. If the subject matter of vehicle bearing Reg. No. BR-01PF-9666 is not auctioned as on this day, the concerned authorities are hereby directed to not to proceed with auction till decision in the Appeal to be file on behalf of the petitioner.



5. If the Appeal is not filed within a period of 02 months from the date of receipt of this order, the concerned authority may proceed to auction the subject matter of vehicle.

6. With the above observation, present C.W.J.C. No. 9462 of 2025 stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Nirajkrs/-

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