

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9542 of 2025

Geeta Yadav, Wife of Deepak Yadav, Resident of RF-100-101, 2nd Floor,
Sector- 11, Rohini P.S.- K.N. Kataju Marg, District- Delhi.

... .. Petitioner.

Versus

1. The State of Bihar through the Additional Chief Secretary, Bihar Prohibition Excise and Registration Department, Government of Bihar, Patna.
2. The Commissioner, through Bihar Prohibition Excise and Registration Department, Government of Bihar, Patna.
3. The Collector-cum-District Magistrate, Gopalganj.
4. The S.D.M. Hatuha, Gopalganj.
5. The Senior Superintendent of Police, Gopalganj.
6. The Excise Superintendent, Gopalganj.
7. The S.H.O., Meerganj Thana, Gopalganj.
8. The I.O. of Meerganj Thana P.S. Case No. 213/2024, Meerganj Thana, Gopalganj.
9. The Union of India through the Commissioner of Police, Delhi.
10. The Deputy Commissioner of Police, Delhi.
11. The S.H.O., K.N. Katju Marg Police Station, Delhi.
12. Zoomcar India Private Limited, 1st Floor, Anjaneya Techno Park, No. 147, Hal Old Airport Road, ISRO Colony, Kodihalli, Bangalore- 560008.
13. Happy Sharma, Son of not known, 1st Floor, Anjaneya Techno Park, No. 147, Hal Old Airport Road, ISRO Colony, Kodihalli, Bangalore- 560008.

... .. Respondents.

Appearance :

For the Petitioner	:	Mr. Krishna Kant Singh, Advocate.
For the State	:	Mr. Navnit Kumar, AC to GP-18.
For the UOI	:	Mr. Prakash Chandra Agrawal, Sr. CGC.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 29-07-2025

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

“(i) For directing the concerned authority



to release the vehicle to the petitioner forthwith which has been seized in connection with Mirganj P.S. case no 213/2024 registered for the offence U/s 414 of I.P.C and section 30(a) of Bihar prohibition and excise act after setting aside the order dated 11.02.2025 passed by the learned S.D.M, Hathua, Gopalganj by which vehicle of the petitioner has been confiscated as admittedly the said order has been passed without any notice to the petitioner who is the owner of the vehicle in question and on the alleged date she had leased the vehicle to one Happy Sharma.

(ii) For directing the concerned respondent not to sell/auction the vehicle in question during pendency of this instant writ application.

(iii) For directing the concerned respondent to pay proper compensation to the petitioner for the deterioration of the vehicle caused by its storage in an open place without adequate care.

(iv) For directing concerned authority including the investigating officer of Mirganj P.s case no 213/2024 to conduct proper inquiry and bring the culprit responsible for the misuse of the vehicle of the petitioner under the ambit of the law and to proceed accordingly.

(v) For other necessary relief/reliefs to which the petitioner may be found entitled in the facts of the case.”



2. Confiscation proceeding has attained finality on 11.02.2025. Therefore, the petitioner has statutory remedy of appeal before the Appellate Authority under Section 92 of the Bihar Prohibition and Excise Act, 2016 and simultaneously the petitioner is entitled to make application under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12A in the year 2022 and 2023. Therefore, the petitioner is at liberty to avail the aforementioned remedies.

3. The concerned authority is hereby directed to expedite the grievance of the petitioner at the earliest.

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

5. If the application is filed by the petitioner, the concerned authority is hereby directed not to dispose of the seized/confiscated vehicle till disposal of the appeal to be filed by the petitioner.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.07.2025.
Transmission Date	NA

