

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9934 of 2025**

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Bhupendra Singh Gurjar Son of Vikram Singh Gurjar R/o Village- Bhopur  
Shahpur, P.O.- Mahua, District- Dausa, State- Rajasthan.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The Collector, Kaimur (Bhabua).
4. The Sub-Divisional Officer, Bhabua, District- Kaimur (Bhabua).
5. The Superintendent of Police, Kaimur (Bhabua).
6. The Superintendent of Excise, Kaimur (Bhabua).
7. The S.H.O., P.S.- Excise Prohibition, District- Kaimur (Bhabua).

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Abhash, Advocate  
For the Respondent/s : Mr.Standing Counsel (28)

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**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 : 31-07-2025**

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

“(i) To issue a writ in the nature of CERTIORARI for quashing the order dated 04.04.2025 vide memo no.-1524 issued by Sub-Divisional Magistrate, Bhabua passed in Excise (vehicle confiscation) Case No. 200/2025 whereby and whereunder he has directed to confiscate the vehicle bearing registration number RJ 29 CB 7428 (Swift Car) which was seized in connection with Kaimur Excise P.S. Case No.-833 of 2024 as petitioner is ready to pay the penalty.

(ii) To direct the respondents to release the vehicle to the petitioner after payment of penalty.



(iii) To any other reliefs to which the petitioner may be found entitled in the facts and circumstances of the case.”

2. The petitioner without exhausting statutory remedy of appeal before the Appellate Authority under Section 92 of the Bihar Prohibition and Excise Act, 2016 has rushed to this Court.

3. Learned counsel for the petitioner submitted that the petitioner has not been provided opportunity before the author of the impugned order dated 04.04.2025, however, reading of the order it is crystal clear that notice has been issued.

4. Be that as it may, whether service of notice is in accordance with relevant provision of law or not, whether it has been communicated to the petitioner or not, these issues cannot be adjudicated in a writ petition. Therefore, petitioner has been relegated to invoke remedy of appeal before the appellate authority under Section 92 of the Bihar Prohibition and Excise Act, 2016. If such appeal is filed within a period of two months from the date of receipt of this order, Appellate Authority is requested to decide the petitioner’s memorandum of appeal to be filed under Section 92 of the Bihar Prohibition and Excise Act, 2016 within a reasonable period of time of two months from the date of receipt of the same.

5. In the meanwhile, respondents are hereby directed to



not to proceed with auction of the subject matter vehicle till disposal of the appeal.

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

**(P. B. Bajanthri, J)**

**(S. B. Pd. Singh, J)**

ranjan/-

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| AFR/NAFR          | NAFR       |
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