

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10779 of 2025

Sikandar Ajam Son of Md. Nesar Ansari, Resident of Mohalla- House No.- G-222, 4th Floor, Gali No.- 14, Badarpur Jaitipur, Extension Part-2, P.S.- Badarpur, District- New Delhi, New Delhi- 110044.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The District Magistrate Cum Collector, District- Darbhanga.
3. The Superintendent of Police, District- Darbhanga.
4. The Officer Incharge of Bahera Police Station- Bahera, District- Darbhanga.
5. The Investigation Officer of Bahera, P.S. Case No.- 479 of 2024 (Present and then) District- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Pranab Kumar, Advocate Md. Jubair Ansari, Advocate
For the Respondent/s	:	Mr.Government Pleader (19)

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 31-07-2025 In the instant writ petition, the petitioner has prayed
for the following relief(s):-

“(i) I. To direct the respondents District specially Magistrate-Cum-Collector, Darbhanga to release the seized Vehicle of the petitioner particulars and details is following

- (a) Registration No. DL3CCX2265
- (b) Chasis No. MZBFA812LNN236705
- (c) Engine/Motor No. G4LFNV223782
- (d) Vehicle Class- KIA MOTOR CAR
- (e) Model Name- 2022



(ii) To quash of order passed in Confiscation Case No. 15/Excise/2025 by the court of the Collector-Cum-District Darbhanga on 07.05.2025. Magistrate,

(iii) Further to direct the respondents after quashing the order dated 07.05.2025 passed by the Collector cum District Magistrate, Darbhanga to hand over the same seized vehicle to the petitioner.

(iv) Further to reduce the punishment amount which was imposed as a fine vide order dated 07.05.2025 Rs. 2,79,000 and additional amount Rs. 8399 and to fix the total amount only 20,000/- Rs. as a fine.

(v) Further and any other appropriate relief (s) which your lordships may deem fit and proper 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 07.05.2025, 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)

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