

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13040 of 2025

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Ramdheer Yadav, son of Late Kailash Yadav, resident of Village- Dundur,
Post- Latheya, P.S.-. Chhatarpur, District- Palamu, Jharkhand-822116

... .. Petitioner

Versus

1. The State of Bihar Through, Secretary Department of Excise, Bihar Nehru Path, Patna Pin-800015.
2. The District Magistrate, Saran at Chapra, Pin-841301
3. The Superintendent of Police, Saran at Chapra, Pin-841301
4. The Excise Inspector Mashrakh, District Saran at Chapra, Pin-841417

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Dhiraj Kumar Singh, Advocate Mr. Sudhanshu Kumar, Advocate
For the Respondent/s	:	Mr. Anant Pd. Singh, SC-15 Ms. Deepika Sharma, AC to SC-15

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 22-08-2025

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

i. For issuance of an order, direction or a writ of certiorari for quashing and setting aside the order contained in Confiscation case no. 674/2024 dated 10.02.2025 whereby and where under the District Magistrate Saran has order to initiate auction proceeding without following the due process of law in respect of the vehicle namely Ashoka Leyland Truck bearing Registration No. CG13AK-2350, Engine No. LJPZ102973 and Chassis No. MB1U1KHD7LPJL3652 of petitioner which was seized in connection with Excise Case



No. 60/2024 registered on 01.10.2024 under Section 30(a) and 32(3) of Bihar Prohibition and Excise Amendment Act, 2018.

ii. For issuance of an order, direction or a writ of mandamus for directing the respondent authorities to accept and consider the application under Rule 12A of the Bihar Prohibition and Excise (Amendment and Enforcement) Rules, 2022.

iii. For issuance of an order, direction or a writ of mandamus for directing the respondent authorities to not to auction the vehicle.

iv. For directing and commanding the respondent authorities to release the Vehicle namely Ashoka Leyland Truck bearing Registration No. CG13AK-2350, Engine No. LJPZ102973 and Chassis No. MB1U1KHD7LPJL3652 in favour of the petitioner after payment of penalty.

v. For issuance of any other relief or relief(s) for which the petitioner entitled for.”

2. One of the contention raised by the petitioner is that the petitioner has not been heard in the Confiscation proceedings case No. 674 of 2024 as and when it was decided on 10.02.2025. In this regard, he has pointed out that he was under judicial custody, to that effect he has furnished copy of the bail order dated 17.02.2025 passed in Criminal Miscellaneous No. 89000 of 2024. It is crystal clear that it was beyond the control of the petitioner insofar as attending confiscation proceedings. Therefore, *ex parte* confiscation proceedings dated 10.02.2025 is liable to be set aside.

3. Accordingly, it is set aside. Matter is remanded



to the confiscation authority to decide afresh after due process of law, including personal hearing to the petitioner. The above exercise shall be completed within a period of 03 months from the receipt of this order. In the meanwhile, Respondents are hereby directed to not to proceed with auction of the subject matter of vehicle bearing Registration No. CG13AK – 2350 till confiscation proceedings is decided.

4. With the above observation, Writ petition stands allowed.

(P. B. Bajanthri, J)

(Shailendra Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.08.2025
Transmission Date	N.A

