

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15005 of 2025

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Shambhu Nath Yadav Son of Nand Kumar Yadav Resident of Village- Kali Mandir, P.O. Navagarh, P.S. Baroda, Harina Colony, District-Dhanbad, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise and Registration Department, Government of Bihar, Patna.
2. The Excise Commissioner, Government of Bihar, Patna.
3. The Collector-Cum-District Magistrate, Aurangabad, District-Aurangabad, Bihar.
4. The Superintendent of Police, Aurangabad, District-Aurangabad.
5. The Excise Superintendent, Aurangabad, District-Aurangabad, Bihar.
6. The Station House Officer, Excise Police Station, Aurangabad, District-Aurangabad, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pramendra Kumar Singh, Advocate Mr. Niraj Kumar, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar Ghosarvey, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

3 18-12-2025 Heard the learned counsel for the petitioner and

learned AC to AAG-3 for the State of Bihar.

2. Petitioner in the present writ application is seeking

a writ in the nature of mandamus directing the respondent

authorities to release the vehicle Bolero bearing registration No.

JH10AT9107, Chassis No. MA1XA2GHKE5L63382 and

engine No. GHE4L57546 seized in connection with Excise



(Aurangabad) P.S. Case No. 714 of 2024 dated 24.07.2024 registered under Section 30(a), 32(3), 41(1) and 41(2) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. A counter affidavit has been filed on behalf of the State. It is stated in the counter affidavit that the vehicle in question was seized carrying 306 liters of liquor. It is stated that a confiscation proceeding was initiated in the matter and show cause notices were issued to the petitioner vide Annexure-B and Annexure-C respectively on two occasions, calling upon him to appear and make an appropriate application for release of the vehicle on payment of penalty, but no one appeared on behalf of the petitioner.

4. It is stated that ultimately, vide order dated 23.06.2025 as contained in Annexure-D to the counter affidavit, the vehicle in question has been confiscated. It is submitted that against the order of confiscation, the petitioner has a right to file an appeal before the Commissioner of Excise, Bihar.

5. Learned counsel for the petitioner has, though, impressed upon us that the order of confiscation has been passed without serving the show cause notices upon the petitioner, however, at this stage, we find that the order of confiscation is not under challenge in the present writ application.



6. The petitioner has a remedy of appeal before the Commissioner of Excise, Bihar. We grant liberty to the petitioner to file an appeal before the Appellate Authority within a period of thirty days from today. If any such appeal is preferred, the same shall be considered on its own merit and an appropriate order shall be passed by the Appellate Authority within a period of one month from the date of filing of the appeal.

7. Keeping in view the mandate of Rule 14 of the Bihar Prohibition and Excise Rules 2021 (as amended up to date), the vehicle in question shall not be auction sold for the present.

8. The writ application stands disposed off with liberty aforesaid.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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