

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18506 of 2024

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Krishan Kumar @ Krishna Bhagat son of Surendra Bhagat, resident of Village-Bahuarva, P.S.-Salkhua (Banma Itahari), Dist-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Patna.
2. The Secretary, Department of Excise and Prohibition, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The District Magistrate, Saharsa.
5. The Superintendent of Police, Saharsa.
6. The Officer in Charge of Sonbarsha Raj Police Station, District-Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Jha, Advocate.
For the Respondent/s	:	Mr. Raghwanand, GA-11.
	:	Mr. Prabhat Kumar, AC to GA-11.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 23-01-2025

In the instant petition, petitioner has prayed for the following reliefs:-

(i) For issuance of an appropriate writ/s, order/s, direction/s in the nature of mandamus commanding the respondent to release the vehicle of the petitioner bearing Reg. No. DL10CT5263 Mahendra TUV-300, Chasis No. MAINA2SMXG6F40206, Engine No. SMG6E25625, which was seized in connection with Sonbarsha Raj P.S. Case No.9/2024 dated 13.01.2024 u/s 30(a), 41(1) of Bihar Prohibition and Excise Act 2022(Amendment).



(ii) To pass such other order/orders as Your Lordships may deem fit and proper in facts and circumstances of the case.

2. Learned counsel for the State on instruction submitted that confiscation proceedings has attained finality on 23.09.2024. Resultantly, petitioner has statutory remedy of appeal before the Appellate Authority under Section 92 of The Bihar Prohibition and Excise Act & Rules, 2021 read with Amended Rules, 2022 and further he has a remedy of revision under Section 93 of The Bihar Prohibition and Excise Act & Rules, 2021 read with Amended Rules, 2022. Parallely he has a remedy under Rule 12-A of The Bihar Prohibition and Excise Rules, 2021 read with Amended Rules, 2022.

3. In the event of filing appeal before the Appellate Authority against confiscation order or in the alternative if he invokes remedy under Rule 12-A of The Bihar Prohibition and Excise Rules, 2021 read with Amended Rules, 2022, the concerned authorities are hereby requested to decide the grievance of petitioner within a reasonable period of time of three months insofar as memorandum of appeal against the confiscation order dated 23.09.2024. Insofar as application under Rule 12-A of The Bihar Prohibition and Excise Rules, 2021 read with Amended Rules, 2022 the concerned authorities



are hereby directed to pass suitable order within a period of one month from the date of receipt of such application.

4. With the above observation, the present writ petition stands disposed of.

5. In the meanwhile, the respondents are hereby directed not to proceed with the auction of the subject matter of vehicle till memorandum of appeal under Section 92 of the Act or application under Rule 12-A of the Bihar Prohibition and Excise Rules, 2021 read with Amended Rules, 2022 is decided by the concerned authority.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

Harish/-ritik/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.01.2025
Transmission Date	NA

