

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19508 of 2024

Prashant Kishor Thakur Son of Parshuram Kishore Thakur, Resident of Village-Ushayan, Mahatma Gandhi Nagar, Near R.N. Enclave Kanti Factory Road near Nala, P.O.-B.H. Colony, P.S.-Patrakar Nagar, District-Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Prohibition Excise and Registration Department, Government of Bihar, Patna.
2. The District Magistrate cum Collector, Patna.
3. The Assistant Commissioner, Prohibition Excise and Registration Department, Government of Bihar having office at Sandalpur Road, Kumhrar, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Station House Officer, Excise Patna Sadar Police Station, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Raju Giri, Advocate
For the Respondent/s : Mr.Government Pleader (05)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

2 16-01-2025 In the instant petition petitioner has prayed for the following relief(s):-

“(i) For issuance of appropriate Writ/Direction/Order in the nature of certiorari for quashing the order dated 14/11/24 whereby Assistant Commissioner has directed to deposit Rs. 1,44,339/- and also an amount of Rs. 4331/- as a penalty otherwise the vehicle of the petitioner will be set for the Confiscation/auction.

(ii) For issuance of appropriate Writ/Writs, direction/ directions in the nature of Mandamus Commanding the



concerned Respondents to release the Light Green Color Tata Nexon Car bearing Registration No. BR01FP5802, Chassis No. MAT627129NLC29687, Engine No. REVTRN11CXXK35671 and hand in favour of the petitioners, which has been seized in connection with Excise Patna P.S. Case No.- 1716/24 dated 21/07/2024.

(iii) For any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.”

2. Learned counsel for the petitioner on instructions submitted that the subject matter has attained finality insofar confiscation proceedings are concerned on 15.01.2025. Taking note of these material information, it is evident that petitioner has statutory remedy of appeal before Appellate Authority under Section 92 of the Bihar Prohibition and Excise Act, 2016 and further he has remedy of revision under Section 93 of the Bihar Prohibition and Excise Act, 2016. In the absence of exhausting statutory remedy, the present writ petition is pre-mature.

3. Accordingly, the present petition stands disposed of. In the event, of filing any appeal before the Appellate Authority against the confiscation order along with the prayer for not to auction the subject matter of vehicle, in that event, the Appellate Authority is hereby directed to take note of and pass specific order within a period of three months from the date of



filing appeal. Till then, the concerned authority is hereby directed not to auction the subject matter of vehicle. If petitioner fails to file appeal, in that event concerned authority is permitted to proceed further in accordance with law.

4. With the above observations, the present CWJC No. 19508 of 2024 stands disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

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