

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19520 of 2024

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Manju Devi wife of Jagarnath Sah resident of Village- Deendeyal Nagar,
Ward No.31, Police Station- Bagaha, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Prohibition and Registration, Government of Bihar, Patna.
2. The District Magistrate, West Champaran at Bettiah.
3. The Additional District Magistrate -cum- Additional Collector, West Champaran, Bettiah.
4. The Superintendent of Police Bagaha, District- West Champaran.
5. Station House Officer, Thakraha P.S., District- Bagaha West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ravi Shankar Sahay, Advocate Mrs. Purna Anand, Advocate Mr. Arvind Kumar, Advocate
For the Respondent/s	:	Mr. Shiv Shankar, AC to GA 3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

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

6 16-04-2025 In the instant writ petition the petitioner has prayed
for the following relief:-

“For quashing the order dated
29.05.2024 by the Additional District Magistrate –
cum – Additional Collector (Respondent No. 3) in
case No. CRM-16 of 2024-25 by which the
Respondent No. 3 imposed penalty of Rs. 2,50,000/-
under Section 12(A)(2) of the Bihar Prohibition and
Excise (Amendment) Rule 2023 with an additional
amount of Rs. 7,500/- for releasing the tractor –
Trailer of the petitioner bearing Registration No.
BR-22GB-8979, Engine No. RME5NFN 3096,



Chasis No. MB NGAAEDUMRE02438 Model – Mahindra 275 DL XP Plus and further to pass for releasing the Tractor – Tailor of the petitioner for which she is legally entitled.”

2. Petitioner has statutory remedy of appeal before the Appellate Authority in assailing the impugned order under Section 92 of Bihar Prohibition and Excise Act 2016. Without exhausting such remedy, petitioner has rushed to this Court. In the light of Hon’ble Supreme Court decision in the case of **State of Jammu and Kashmir Vs. R.K. Zalpuri and others** reported in **AIR 2016 Supreme Court 3006** (para 20) in which it is held that the writ petition could be entertained only if there is violation of principle of natural justice and violation of statutory provision both the ingredients are not forthcoming in the present lis. Resultantly, petitioner has to avail the statutory remedy of appeal before the Appellate Authority under Section 92 of Bihar Prohibition and Excise Act 2016. Therefore, petitioner is relegated to Appellate Authority if such appeal is filed before the Appellate Authority, the Appellate Authority shall consider and decide the petitioner’s appeal within a reasonable period of three months from the receipt of the appeal.

3. Till disposal of petitioner’s appeal the respondents are hereby directed to not to proceed with auction of the subject



matter vehicle.

4. With the above observation, the present CWJC No.
19520 of 2025 stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Ankit Kumar/-

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