

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.773 of 2025

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Dhanpal Kumar Sharma @ Dhanpal Sharma S/o Jagarnath Sharma Resident
of village- Rakba Raja Patherwa, P.S- Tamakuhi raj, District- Kushinagar,
Uttar Pradesh

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and
Excise Department, Bihar Patna.
2. The District- Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Officer in charge of Gopalganj Police Station, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Saurabh Kumar, Advocate
For the Respondent/s : Mr. Standing Counsel (12)

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

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

3 06-02-2025 In the instant petition, petitioner has prayed for the
following relief(s):-

(a) For issuance of appropriate writ in the nature of mandamus & certiorari for commanding and directing the respondent authorities to release the Hero splendor Plus of the petitioner bearing Reg.No. UP57AY7743 and having Chesis No.MBLHAW124LHL22729 Engine No. HA11EYLHL16972, seized by Bhore Police, in connection with Bhore P.S. Case No.301/2023 registered u/s 30(a) of the Bihar Excise Amendment Act, 2018 in favour of the petitioner or his representative.

(b) For issuance of any other relief/reliefs to which the petitioner may found entitled to in the facts and circumstances of the case in favour of the petitioner.

2. In order to ascertain status of the confiscation



proceedings, matter was adjourned on the previous occasion. Today, learned counsel for the respondents on instruction submitted that confiscation proceedings have attained finality on 18.07.2024. Resultantly, petitioner has remedy of filing appeal before the appellate authority under Section 92 of the Bihar Prohibition and Excise Act, 2016. That apart, petitioner is also permitted to file application under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 (hereinafter referred to as 'Rules, 2021') including amended provisions in the year 2022 and 2023. If such appeal or application is filed, the appellate authority is hereby directed to decide the petitioner's appeal within a period of three months from the date of receipt of such appeal. Insofar as application under Rule 12A of the Rules, 2021 is concerned, the concerned authority is hereby directed to pass suitable order within a period of two weeks from the date of receipt of such application under Rule 12A of the Rules, 2021.

3. With the above observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

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