

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.255 of 2026

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Ajit Kumar @ Ajit Ray Son of Ratan Ray, Resident of Ward No. 02, Village and Post- Keota, P.S.- Dalsinghsarai, District- Samastipur, Bihar-848114.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary (Prohibition and Excise), Government of Bihar, Patna.
2. The Deputy Commissioner Prohibition (Headquarter), Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Gopalganj, District Gopalganj.
4. The Deputy Collector Land Reforms, Gopalganj Sadar, District Gopalganj.
5. The Superintendent of Police, Gopalganj, District- Gopalganj.
6. The Station House Officer, Mahammadpur, P.S.- Mahammadpur, District- Gopalganj.
7. Mayank Kumar Son of Sikandar Rai, Village and P.O- Mekra, P.S.- Mokama, District-Patna, Bihar-803221.
8. M/s. Cholamandalam Investment and Finance Co. Ltd., office at Dare House, 2 N.S.C. Bose Road, Parrys, P.S.- George Town, District- Chennai, Tamilnadu-600001 and Chowdhury Estate, 55/55/1, Chowringee road, 5th Floor, P.S.-Shakespeare Sarani, District- Kolkata-70001, West Bengal-700071, Both represented through Probir Kumar Sarkar (Power of attorney Holder).

... .. Respondents

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Appearance :

For the Petitioner	:	Dr. Ranjeet Kumar, Advocate Mr. Rajnish Prakash, Advocate
For the State	:	Mr. Anirban Kundu, Standing Counsel (24)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

4 12-05-2026 Heard learned counsel for the petitioner and learned
SC-24 for the State.

2. The petitioner in the present writ application is
seeking the following reliefs:-



“(i) For setting aside the order dated 15.02.2025 passed on 08.03.2025 (Annexure-P/7) by the learned Deputy Collector Land Reforms, Gopalganj in Excise Confiscation Case No. 62/2024, whereby the Bolero Pick Up Vehicle bearing Registration No.-BR06GG2479 has been confiscated and direction has been issued to auction the vehicle without taking into consideration of the facts and circumstances of the case, without appreciating the correct position of law and even without considering the specific grounds taken by the petitioner.

(ii) For setting aside of the appellat eorder contained in Memo No.-11/Utpad Appeal Vaad Sankhya/86/2025-56 dated 15.07.2025 (Annexure-P/9) issued with the signature of Deputy Commissioner Prohibition, (Headquarter) Bihar, Patna in Excise Appeal No.-86/2025, whereby the appeal of the petitioner has been dismissed in gross violation of Rule-12A of the Bihar Prohibition and Excise Rules, 2021.

(iii) For setting aside the revisional order contained in Memo No.-11/Utpad Punrikshan Vaad Sankhya-25/2025-25 dated 18.09.2025 (Annexure-P/11) issued with the signature of Secretary (Prohibition and Excise) Bihar, Patna in Excise Revision Case No.-25/2025, whereby the revision of the petitioner has been rejected in violation of Section 57B of the Bihar Prohibition and Excise Act, 2016 and in violation of Rule 12A of the Bihar Prohibition



and Excise Rules, 2021 as the petitioner was not involved in the alleged occurrence.

(iv) The petitioner further prays that after setting aside the order of confiscation vehicle of the petitioner may be released in his favour as he is not at all responsible for the alleged occurrence.

(v) For any other relief/s for which the petitioner may be deemed entitled to.”

3. From the averments made in the writ application and the submissions made at the Bar, it appears that this petitioner is the registered owner of the vehicle in question. He had purchased the vehicle with financial assistance from M/s Cholamandalam, a Non-Banking Financial Institution (Respondent No. 8). While the vehicle was still under hypothecation and the loans were yet to be discharged, the petitioner entered into an agreement dated 16.09.2024 whereunder the petitioner transferred the vehicle to a third party, namely, Mayank Kumar. M/s Cholamandalam (Respondent No. 8) is not a party to the said agreement.

4. Later on, the vehicle in question has been allegedly found involved in transportation of 693 litres of liquor. A first information report being Mahammadpur P.S. Case No. 249 of 2024 dated 03.11.2024 has been lodged. The petitioner has been implicated in this case as owner of the vehicle.



5. It further appears that a confiscation proceeding was initiated under the Bihar Prohibition and Excise Act, 2016 (as amended up to date) and the rules framed thereunder. The Confiscating Authority issued notice to the petitioner who appeared and participated in the hearing. The order of confiscation has been passed keeping in view the fact that huge quantity of liquors were found under transportation through the said vehicle. The order of the Confiscating Authority has been affirmed in appeal. The Revisional Authority refused to interfere with the confiscation order and the appellate order. The order of the Revisional Authority passed on 18.09.2025 (Annexure 'P/11') is under challenge.

6. Dr. Ranjeet Kumar, learned counsel for the petitioner submits that neither the Confiscating Authority nor the subsequent authority under the appeal and revision have considered the case of the petitioner, particularly, that he had already part with the vehicle in question under agreement dated 16.09.2024. It is submitted that M/s Cholamandalam (Respondent No. 8) has lodged a criminal case against the petitioner and the petitioner has lodged a criminal case against Mayank Kumar which are still going on.

7. On the other hand, learned counsel for the State



submits that the order of confiscation, the appellate order as well as the revisional order are in accordance with law. The principle of natural justice has been duly followed and the petitioner has not shown any jurisdictional error in the orders passed by the competent authorities under the Bihar Prohibition and Excise Act, 2016 (as amended up to date). In such circumstance, it is submitted that this Court may not interfere with the impugned orders by substituting its opinion in the place of the opinion of the statutory authorities.

8. Having regard to the entire facts and circumstances of the case, the pleadings available on the record and the submissions noted at the Bar, we are of the considered opinion that the impugned orders do not suffer from any jurisdictional error. The fact is that the vehicle in question was purchased by the petitioner under financial assistance and it is said to be under hypothecation, in such circumstance, the plea of the petitioner that he had entered into an agreement dated 16.09.2024 with one Mayank Kumar and that should have been considered by the Confiscating Authority does not inspire confidence of this Court. Apparently, the plea is totally misconceived as according to this Court, such documents which are being prepared to save the skin of the petitioner cannot come to his rescue in the



confiscation matter. These are the observations we are making only for purpose of this case. So far as the criminal proceedings are concerned, no part of the observations of this Court shall be utilised in the criminal proceedings.

9. We find no perversity with the impugned orders. There being no jurisdictional error with the impugned orders, we decline to exercise our extraordinary writ jurisdiction.

10. This writ application is dismissed.

(Rajeev Ranjan Prasad, J)

(Soni Shrivastava, J)

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