

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8071 of 2025

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Priyanka Pathak, Wife of Raj Kumar Pathak, R/o village Mahadepur, P.S.
Surbhawa, District Bhadohi (U.P.).

... .. Petitioner.

Versus

1. The State of Bihar through the Commissioner Excise Department, State of Bihar Patna.
2. The Director General of Police, Bihar, Patna.
3. The Collector cum District Magistrate, Kaimur at Bhabua.
4. Superintendent of Police, Kaimur at Bhabua.
5. Superintendent of Excise Prohibition, Kaimur at Bhabua.
6. Sub-divisional Magistrate, Bhabua (Kaimur).
7. Inspector of Excise Police Station, Kaimur at Bhabua.

... .. Respondents.

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Appearance :

For the Petitioner	:	Mr. Tribhuwan Narayan, Advocate.
For the State	:	Mr. M.N.H. Khan, SC-1.
		Mr. Md. Irshad, AC to SC-1.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 09-07-2025

In the instant writ petition, the petitioner has prayed
for the following relief(s):

“For issuance of writ in nature of
mandamus or any appropriate writ/writs,
order, direction and to set aside the order
dated 03.03.2025 passed by Sub-divisional
Officer, Bhabua (Kaimur) in Excise (Vehicle
Confiscation) Case No.34 of 2025 whereby
the vehicle, bearing registration no.UP65JT-



8202 (Tata Intra Pickup), seized in Excise Case No.858 of 2024, has been confiscated and further to direct the respondent authority to release the aforesaid confiscated vehicle of the petitioner after taking appropriate penalty amount.”

2. The petitioner has suffered an order of confiscation. He has a statutory remedy of appeal before the Appellate Authority under Section 92 of the Bihar Prohibition and Excise Act, 2016. Without exhausting such remedy, petitioner has rushed to this Court. Accordingly, instant writ petition is pre-mature.

3. Be that as it may, if the petitioner prefers an appeal before the Appellate Authority under Section 92 of the Bihar Prohibition and Excise Act, 2016, within a period of four weeks along with an Interlocutory Application for release of the vehicle subject to certain conditions, in that event, the Appellate Authority is hereby directed to pass order on the Interlocutory Application within a period of one week from the date of receipt of Memo of Appeal. Thereafter, Memo of Appeal shall be decided within a period of two months from the date of receipt of Memo of Appeal.

4. With the above observations, instant writ petition



stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.07.2025.
Transmission Date	NA

