

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1841 of 2025

Arising Out of PS. Case No.-327 Year-2024 Thana- RAMGARH District- Kaimur (Bhabua)

Mamta @ Mamta Singh W/o- Anndi Prasad Singh Village- Gurudvara Gali
Ps- Ghazipur Dist- Ghazipur U.P

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Divisional Commissioner, Excise Dept. Patna Division Bihar
3. The District Magistrate, Kaimur Bihar
4. The Superintendent of Police, Kaimur Bihar
5. The Station House Officer, Ramgarh, Kaimur Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sarfraz Ahmad, Adv. Mr. Sonu Singh, Adv.
For the Respondent/s	:	G.A.8

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 27-11-2025 Heard learned counsel for the petitioner as well as

learned counsel for the State-respondents.

02. The present petition has been filed by the

petitioner seeking the following reliefs:-

“I. For Setting aside the order dated 17.05.2025, passed by Sub-Divisional Magistrate, Mohaniya (Kaimur) in Excise(Vehicle Confiscation) Case No-109/2024. arising out of Ramgarh P.S Case No-327/2024 dated 22.09.2024, registered for offences u/s 30(a) of Bihar Prohibition and Excise Act 2022 (amendment), whereby and where under Sub-Divisional has Magistrate, Mohaniya (Kaimur) rejected the prayer of the petitioner for release of vehicle bearing Reg. No- UP-61BF-3547 (Wagnor VXi Motor Car)



which was seized in connection with Ramgarh P.S Case No- 327/2024.

II. For issuance of appropriate order/s, direction/s to the respondent concerned that release the vehicle of petitioner bearing Reg. No- UP-61BF-3547 which was seized in connection with Ramgarh P.S Case No- 327/2024, which kept in open place and going damage day to day.

III. For issuance of any appropriate relief/s, direction's to as your lordships may deem fit and proper to the facts and circumstances of the case as well as for the petitioner may be found entitled thereto.

IV. During the pendency of this writ application confiscation proceeding if any may kindly be stay."

03. Apparently, the petitioner is aggrieved by the order dated 17.05.2025 passed by learned Sub-Divisional Magistrate, Mohaniya (Kaimur) in Excise (Vehicle Confiscation) Case No. 109 of 2024 arising out of Ramgarh P.S. Case No. 327 of 2024 whereby and whereunder the learned Sub-Divisional Magistrate confiscated the vehicle of the petitioner.

04. Against the impugned order, appeal has been provided under Section 92 of the Bihar Prohibition and Excise Act, 2016 but the petitioner, instead of taking this remedy, approached this Court directly in writ jurisdiction. When an equally efficacious remedy is available, writ petition could not be entertained. It is open to the petitioner to avail the appellate



remedy of appeal before the appellate authority.

05. Accordingly, the present petition is disposed of finding it not maintainable with liberty to the petitioner to avail recourse of law in appropriate proceeding before an appropriate forum.

(Arun Kumar Jha, J)

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