

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1738 of 2026

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Biteshwar Nath Pandey, s/o Late Gorakh Nath Pandey, R/o Old Police Line,
M.P. Bagh Ara, P.S.-Nawada, District-Bhojpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Bihar, Patna.
2. The Secretary (Liquor Prohibition and Excise), Government of Bihar,
Patna.
3. The Collector-Cum-District Magistrate, Kaimur, Bhabhua.
4. The Superintendent of Police, Kaimur, Bhabhua.
5. The Excise, Superintendent, Kaimur, Bhabhua.
6. The S.H.O. Excise P.S., Kaimur, Bhabhua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gaurav Prakash, Advocate
For the Respondent/s : Mr. Standing Counsel (24)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

2 23-02-2026 The present writ petition has been filed challenging the order dated 25.10.2025 passed by the learned court of Collector-cum- District Magistrate, Kaimur at Bhabhua in Excise (Vehicle Confiscation) Case No. 361 of 2025 arising out of Kaimur (Prohibition) Case No. 547 of 2025 dated 01.09.2025, registered under Sections 30 (a), 32(1) (3) and 41 (i) (ii) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred as to as “the Act, 2016”) against unknown absconder and unknown owner of the vehicle in question, whereby and



whereunder Mahindra XUV 500 vehicle of the petitioner bearing Registration No. BR01PJ 2359, Chassis No. MA1YU2HHUJ6B15320 and Engine No. HHJ-4B23427 has been directed to be confiscated and it has also been directed that the said vehicle be auctioned sold.

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the aforesaid order dated 25.10.2025 passed by the learned Collector-cum- District Magistrate, Kaimur at Bhabua in Excise (Vehicle Confiscation) Case No. 361 of 2025 arising out of Kaimur (Prohibition) Case No. 547 of 2025 by filing appropriate appeal under Section 92 of the Act, 2016, however submits that in the meantime some protection be granted.

3. *Per contra*, the learned counsel for the respondent-State has submitted that the auction of the vehicle in question has not yet taken place as per the oral instructions received by him and he is not averse to the idea of the petitioner filing appropriate appeal against the aforesaid order dated 25.10.2025.

4. Having regard to the facts and circumstances of the case, we grant liberty to the petitioner to file appropriate appeal under Section 92 of the Act, 2016 against the aforesaid order dated 25.10.2025 passed by the learned court of the Collector-



cum-District Magistrate, Kaimur at Bhabua and in case such an appeal is filed within a period of two weeks from today, the appellate authority shall consider the same on merits, without being impeded by the issue of limitation and pass a reasoned and a speaking order in accordance with law within a period of four weeks, thereafter.

5. It is needless to state that in case appropriate appeal is filed within a period of two weeks from today, the respondent authorities shall not auction sale the vehicle in question till a final decision is taken in the appeal to be filed by the petitioner, in case the vehicle in question has not already stood auctioned.

6. Accordingly, the present writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

(Alok Kumar Pandey, J)

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