

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4869 of 2026

=====

Kapil Dev Chaudhary Son of Madhumangal Chaudhari, resident of Village-
Fatehpur Saraiya, P.S- Manjhi, District-Saran.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
2. The Principal Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
3. The District Magistrate, District Saran at Chapra.
4. The Senior Superintendent of Police, District Saran at Chapra.
5. The Additional District Magistrate, Saran at Chapra.
6. The Officer In-Charge, Manjhi Police Station, Saran.

... .. Respondents

=====

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Mishra, Advocate
		Mr. Amit Prakash, Advocate
For the Respondent/s	:	Mr. Dharendra Kumar, AC to GP-5

=====

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

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 24-04-2026 Heard learned counsel for the petitioner and learned

AC to GP-5 for the State of Bihar.

2. The petitioner in the present writ application is

seeking the following reliefs:-

“(i) For issuance of order/s, direction/s or appropriate writ, including writ in the nature of mandamus to direct the respondent to release the fraction part of Khata No. 21, Kheshra No. 256, total area 110 Sq. Ft. in Mauza Fatehpur in terms of Rule 12B of Bihar Prohibition and Excise Act, 2021 (as amended Rules, 2022) which has been seized in connection with Manjhi P.S. Case No. 390/2024



dated 07.12.2024 registered under Section 30(a) of the Bihar Prohibition & Excise Act, 2022.

(ii) To direct the respondent to stay over the order dated 27.01.2026 passed in Excise Confiscation Case No. 345 by Additional District Magistrate, Saran.

(iii) For any other relief/s by which the petitioner found entitled in the facts and circumstances of the present case.”

3. In course of hearing, it is noticed that the Confiscating Authority has already passed an order of confiscation on 07.01.2026 in Excise Confiscation Case No. 345 of 2025. The said order of confiscation is an appealable order before the Excise Commissioner (Appeals). In the writ application, also there is no prayer for setting aside of the order of confiscation.

4. Having noticed this, learned counsel for the petitioner seeks permission to withdraw this writ application and allow him to prefer an appeal against the order of confiscation. It is submitted that the land in question is going to be auction sold, therefore, this Court may grant some protection to the petitioner from the auction sale of the land in question.

5. Learned AC to GP-5 for the State is present. It is submitted that the petitioner may seek interim relief before the Appellate Authority after filing of a properly constituted appeal.



6. Having regard to the aforementioned submissions, this Court is of the opinion that the writ application as framed may be allowed to be withdrawn with liberty to the petitioner to prefer a statutory appeal before the Appellate Authority in accordance with law.

7. If any such appeal is preferred within a period of one month from today with a prayer for interim relief, the same shall be considered by the Appellate Authority within a reasonable period.

8. The District Magistrate/Confiscating Authority shall not give effect to the order of confiscation and no auction sale of the property shall be initiated/made for a period of six weeks from today.

9. In the meantime, the Appellate Authority shall consider the matter, if preferred within the given period.

10. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Soni Shrivastava, J)

lekhi/-

U			
---	--	--	--

