

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14729 of 2025

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Binod Kumar @ Vinod Kumar @ Binod Kumar Sah Son of Late Asarfi Sah
@ Ashrafi Sahu, Resident of Village- Nirmali, Ward No. 11, P.S.- Nirmali,
District- Supaul. At present House No. 292, Shakti Park, Gali No.- 4A
Gurugra, Harayana.

... .. Petitioner/s

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 Excise Commissioner, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
4. The District Magistrate-cum-Collector, Supaul.
5. The Superintendent of Police, Supaul.
6. The Additional Collector, Supaul.
7. The Excise- Superintendent, Supaul.
8. The Circle Officer, Nirmali, District- Supaul.
9. The S.H.O., Nirmali, District- Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Respondent/s : Government Pleader (14)

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

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

2 12-01-2026 The present writ petition has been filed for setting
aside the order dated 28.05.2025 passed by the learned
Additional Collector, Supaul whereby and whereunder the
seized residential room/house of the petitioner has been directed
to be confiscated under Sections 58(2) and 58(5) of the Bihar



Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act, 2016'), as amended up to date and further direction has been given to auction the said property and deposit the amount with the District Treasury, Supaul.

2. At the outset, the learned counsel for the petitioner submits that the said order dated 28.05.2025 passed by the learned Additional Collector, Supaul is appealable under Section 92 of the Act, 2016, hence the petitioner be granted liberty to file appropriate appeal, however, the appellate authority be directed to consider the appeal of the petitioner on merits and dispose of the same within a fixed time frame.

3. The learned counsel appearing for the respondent-State has got no objection to the aforesaid submissions made by the learned counsel for the petitioner.

4. Having regard to the facts and circumstances of the case, we deem it fit and proper to grant liberty to the petitioner to challenge the aforesaid order dated 28.05.2025 by filing appropriate appeal under Section 92 of the Act, 2016 and in case such an appeal is filed within a period of two weeks from today, the appellate authority shall examine 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 six weeks thereafter and during the interregnum period, the property in question shall not be auctioned.

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

(Mohit Kumar Shah, J)

(Praveen Kumar, J)

GAURAV S./-

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