

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16275 of 2025

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Krishna Sah, Gender – Male, Son of Baithnatha Sah @ Baithnath Sah,
Resident of Village-Siyari, Ward No. 3, P.S. Nanpur, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise and Prohibition, Bihar, Patna.
2. The Secretary, Bihar Prohibition and Excise, Government of Bihar, Patna.
3. The Commissioner, Excise, Bihar, Patna.
4. The Collector, Gopalganj.
5. The Sub-Divisional Magistrate, Gopalganj.
6. The Superintendent of Police, Excise, Gopalganj.
7. The Deputy Superintendent of Police, Gopalganj.
8. The District Excise Officer, Gopalganj.
9. The Officer-in-Charge, Kuchaikote Police Station, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Brajesh Kumar Singh, Advocate
For the Respondent/s	:	Standing Counsel (16)

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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 seeking to challenge the order dated 03.04.2025 passed by the Sub-Divisional Magistrate, Gopalganj in Sub-Divisional Confiscation (Excise) Case No.106 of 2025 whereby and whereunder it has been ordered to confiscate the Scorpio vehicle of the petitioner bearing registration number BR 05 P 6877 and auction the same as also the order dated 17.06.2025 passed by



the Commissioner, Excise, Bihar, Patna in Excise Appeal Case No. 79 of 2025 [arising out of Kuchaikote P.S. Case No. 275 of 2024 dated 23.06.2024, registered under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act, 2016')].

2. At the outset, the learned counsel for the petitioner submits that the petitioner be granted liberty to file appropriate revision petition under Section 93 of the Act, 2016, however the auction of the vehicle in question be stayed during the interregnum period.

3. The learned counsel for the respondent-State has got no objection to the aforesaid submissions advanced 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 file appropriate revision petition under Section 93 of the Act, 2016 against the order dated 17.06.2025 passed by the Commissioner, Excise, Bihar, Patna and in case such revision petition is filed within a period of three weeks from today, the vehicle in question shall not be auctioned, if the same has not already been auctioned, whereafter the revisional authority shall pass a reasoned and a speaking order, in accordance with law



within a period of six weeks of the filing of the revision petition
by the petitioner.

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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