

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.778 of 2026

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Md. Anmarul Haque @ Md. Anwarul Haque Son of- Md. Naimul Haque,
Resident of- Wajidpur, P.S.- Maner, District- Patna-801503.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Excise and Prohibition Department, Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Patna.
4. The Commissioner, Excise and Prohibition Department, Bihar, Patna.
5. The Assistant Commissioner, Excise and Prohibition, Patna, Bihar.
6. The Senior Superintendent of Police, Patna, Bihar.
7. The Station House Officer (S.H.O.), Bihta Police Station, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jawed Gaffar Khan, Adv. Mr. Arun Kumar Prasad, Adv. Mr. Anuj Kumar, Adv.
For the State	:	Mr.Swapnil Kumar Singh, AC to GP-19

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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)

3 28-01-2026 The present writ petition has been filed for quashing the order dated 2.5.2025, passed by the learned Court of Assistant Commissioner, Prohibition, Patna in Vehicle Confiscation Case No. 112/2024-25, whereby and whereunder the Scorpio vehicle of the petitioner bearing Registration No.



BR01PE-1796 has been directed to be confiscated in connection with Bihta P.S.Case No. 377/2023 dated 20.4.2023, lodged under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as Act, 2016) against Sunny Kumar and Vikas Kumar on account of recovery of 270 liters of illicit *Mahua* liquor and the vehicle in question has also been directed to be put on auction.

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the aforesaid order dated 2.5.2025, by filing appropriate appeal under Section 92 of the Act, 2016, as amended up to date. Liberty, so sought, is granted.

3. It is needless to state that in case appropriate appeal is filed within a period of four weeks from today, the appellate authority shall examine the same on merit, 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.

4. It is further made clear that in case appropriate appeal is filed within a period of four weeks from today, the vehicle in question shall not be auctioned till the final disposal of the said appeal.



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

(Mohit Kumar Shah, J)

(Alok Kumar Pandey, J)

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