

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.789 of 2026

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Urmila Devi Wife of Awdhesh Singh, Resident of Village- Mahuar, P.S-
Ramgarh, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The District Magistrate, Kaimur (Bhabua).
3. The Superintendent of Police, Kaimur (Bhabua).
4. The Superintendent of Prohibition Excise, Kaimur (Bhabua).
5. The Station House Officer, Mohaniya Police Station Kaimur (Bhabua).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sarfraz Ahmad, Adv. Mr. Sonu Singh, Adv.
For the State	:	Mr.Pratik Kumar, AC to GA-11

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

Date : 28-01-2026

The present writ petition has been filed for quashing the order dated 18.10.2025, passed by the learned Court of Collector-cum-District Magistrate, Kaimur (Bhabhua) in Excise (Vehicle Confiscation) Case No. 12/2025, whereby and whereunder the vehicle of the petitioner i.e. Mahindra Swaraj Tractor bearing Registration No. BR45GA1020 has been confiscated and directions have been issued to auction sale the same in connection with Kaimur (Prohibition) P.S.Case No. 431/2025 dated 23.6.2025, registered under Section 30(a), 32(i),



32(ii), 41(i) and 41(ii) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as “the Act, 2016”) against unknown persons on account of recovery of 10.20 liters of illicit liquor from the said vehicle as also 262 liters of illicit liquor from an open space.

2. The learned counsel for the petitioner submits that a meager quantity of illicit liquor has been recovered from the vehicle of the petitioner and moreover, the confiscating authority, in the impugned order dated 18.10.2025, has not recorded any reason to the effect that releasing the vehicle in question shall not be in public interest, hence the impugned order dated 18.10.2025 is illegal and fit to be set aside. In this connection, reference has been made to a judgment dated 13.11.2025, passed by the learned Division Bench of this Court in CWJC No. 10777 of 2025 (*Santosh Kumar vs. The State of Bihar & Ors.*). Nonetheless, the learned counsel for the petitioner is not averse to the idea of challenging the said order dated 18.10.2025, by filing an appeal under Section 92 of the Act, 2016, as amended up to date, however he submits that the appellate authority be directed to consider the submissions to be pleaded in the appeal by the petitioner as also take into account the aforesaid judgment rendered in the case of *Santosh Kumar*



(supra) and pass a reasoned and a speaking order within a stipulated time frame.

3. 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 18.10.2025, passed by the learned Collector-cum-District Magistrate, Kaimur (Bhabhua) in connection with Excise (Vehicle Confiscation) Case No. 12/2025, by filing appropriate appeal and in case such an appeal is filed within a period of four weeks from today, annexing the aforesaid judgment, passed in the case of **Santosh Kumar** (supra), 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, considering all the submissions made by the petitioner in the appeal as also considering the effect of the aforesaid judgment rendered by the learned Division Bench of this Court in the case of **Santosh Kumar** (supra) within a period of six weeks, thereafter.

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

5. At this juncture, the learned counsel for the petitioner has



referred to explanation of Section 12A of the Bihar Prohibition and Excise (Amendment) Rules, 2022, which is reproduced hereinbelow:-

“Explanation.- In all pending/ongoing cases of confiscation/auction of vehicles, the Collector or the officer authorized by him may give an opportunity to the existing owner to pay the aforesaid penalty and get the vehicle released. Upon satisfaction about ownership and upon payment of such penalty, the ongoing confiscation/auction proceeding may be dropped and the vehicle released.”

6. In view of the aforesaid, the learned counsel for the petitioner submits that in case auction of the vehicle has not been done, the petitioner be also granted liberty to approach the concerned Collector or the officer authorized by him for the purposes of paying penalty and getting the vehicle in question released. Liberty, so sought, is also granted.

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

(Mohit Kumar Shah, J)

(Alok Kumar Pandey, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	3.2.2026
Transmission Date	NA

