IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.486 of 2026

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Mohit Lather, (Male) son of Mukhyatar Singh Resident of 22 Gagesar (29), Gangesar, P.S- Gohana, District- Sonipat (Hariyana)

... ... Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Department of Excise and Custom, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Excise and Custom, Government of Bihar, Patna
3. The District Magistrate, Kaimur at Bhabhua.
4. The Superintendent of Police, Kaimur at Bhabhua.
5. The District Transport officer, Kaimur at Bhabhua.
6. The Station Head Office, Excise Police Station, Kaimur at Bhabhua.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Rajeev Ranjan, Advocate
For the Respondent/s : Government Pleader (6)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

3 09-03-2026 Though the present writ petition has been filed for directing the respondent authorities to release the vehicle in question bearing registration No. HR 11 R 7103, Chassis No. MBHZCDESKSC311990, Engine No. Z12EP1210193 (Swift LXI) which has been seized in connection with Kaimur (Prohibition) P.S. Case No.485 of 2025 registered under Sections 30 (a), 32 (1)(3), 41 (i)(ii) of the Bihar Prohibition and Excise (Amendment) Act, 2018 read with the Bihar Prohibition

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and Excise (Amendment) Act, 2022 against absconding/unknown person as also against the unknown owner of the vehicle in question on account of recovery of 204 liters of illicit liquor, however the learned counsel for the respondent-State has produced an order dated 22.01.2026 passed by the learned Court of Collector-cum-District Magistrate, Kaimur (Bhabua) in Excise (Vehicle Confiscation) Case No.320 of 2025, whereby and whereunder the aforesaid vehicle in question has been directed to be confiscated and put on auction sale.

2. At this juncture, a copy of the aforesaid order dated 22.01.2026 passed by the Collector-cum-District Magistrate, Kaimur (Bhabua) in Excise (Vehicle Confiscation) Case No.320 of 2025 has also been handed over to the learned counsel appearing for the petitioner, who seeks liberty on behalf of the petitioner to challenge the said order dated 22.01.2026 by filing appropriate appeal under Section 92 of the Bihar Prohibition and Excise Act, 2016. 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 consider the same on merits without being impeded by the issue of limitation and pass a reasoned and a speaking order within a period of four weeks, thereafter. It is

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

4. Accordingly, the present writ petition stands disposed of.

(Mohit Kumar Shah, J)

(Arun Kumar Jha, J)

GAURAV S./-

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