IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 659 of 2026

==

Md. Israr Alam S/o- Mohd Aftab Alam, Dhanawa, Arthua, PO Arthua, Dist-Aurangabad, Bihar- 824125, Adhar no.-..... Mob........

... ... Petitioner/s

Versus

1. The State of Bihar through Secretary Excise and Prohibition Department, Govt. of Bihar, Vikas Bhavan, Bailey Road, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, P.O. and P.S.- Kaimur (Bhabhua).
4. The Superintendent of Police, P.O. and P.S- Bhabhua.
5. The District Excise Superintendent, P.O. and P.S- Kaimur (Bhabhua).
6. The S.H.O. Excise P.S., Kaimur (Bhabhua).
7. The S.H.O. Mehandia, Dist.- Arwal.
8. The S.H.O., Town P.S, Aurangabad.
9. The S.H.O. Excise P.S., Mohaniya, Dist.- Kaimur.

... ... Respondent/s

==

Appearance:

For the Petitioner/s	:	Mr. Md. Samir Minhaj, Advocate
		Mr. Sanjay Jha, Advocate
For the Respondent/s	:	Government Pleader (2)

==

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 12.09.2025 passed by the Ld. Collector – cum-District Magistrate, Bhabhua in Excise (Vehicle Confiscation) Case No. 25 of 2025, whereby and whereunder the Scorpio Vehicle of the petitioner bearing Registration No. BR26PA-9192 has been confiscated and directions have been issued to auction

sale the same. The petitioner has further challenged the appellate order dated 26.11.2025 passed in Excise Appeal Case No. 168 of 2025 by the Commissioner Excise, Bihar, Patna, whereby the appeal has been dismissed.

2. The learned counsel for the petitioner has submitted that the petitioner had on 14.11.2024 at 4:00 p.m. given the vehicle in question to his friend, namely Vijay Kumar for travelling from Aurangabad to Hajipur and back and while the said Vijay Kumar was returning back on the said vehicle from Hajipur to Aurangabad and had reached at Walidad Kabristan, falling under the jurisdiction of Mehandiya Police Station on NH-139, at about 1:00 a.m. in the night of 14/15.11.2024, robbers had stopped the vehicle on gun point and kidnapped the said Vijay Kumar along with the vehicle. Thereafter, on the way the said robbers had thrown Vijay Kumar outside the vehicle, whereafter the said Vijay Kumar had informed the petitioner about the incident and then attempts were made to lodge FIR but the police personnel of Mehandiya Police Station did not lodge FIR, however after four days, i.e. on 19.01.2024 the case of the petitioner was registered by the Police vide Mehandiya P.S. Case No. 226 of 2024 under Section 303(2) of the Bhartiya Nyaya Sanhita against unknown accused persons.

3. It is further submitted by the learned counsel for the petitioner that in the meantime Kaimur (Bhabhua) Prohibition P.S. Case No. 878 of 2024 dated 16.11.2024 was registered under Sections 30(a), 32(i), 32(iii), 41(1) and 41(2) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the "Act, 2016") against one Ravi Ranjan @ Ravi Yadav and unknown owner of the vehicle in question on account of recovery of 270 liters of illicit country made liquor.

4. It is contended by the learned counsel for the petitioner that the petitioner has got no role to play in the alleged occurrence and the said Ravi Ranjan @ Ravi Yadav is a veteran criminal inasmuch as eight criminal cases are pending against him and he is the person who had kidnapped the friend of the petitioner along with the vehicle in question, whereafter his friend was thrown out of the vehicle, hence it is apparent that the said Ravi Ranjan had used the vehicle in question to ferry illicit country made liquor, during the course whereof the said Ravi Ranjan alongwith the vehicle in question was apprehended by the police leading to lodging of Kaimur (Bhabhua) Excise Prohibition P.S. Case No. 878 of 2024 dated 16.11.2024.

5. Nonetheless, the learned counsel for the petitioner submits that the petitioner be granted liberty to challenge the

aforesaid order dated 26.11.2025 passed by the Commissioner Excise, Bihar, Patna in Excise Appeal Case No. 168 of 2025, by filing appropriate revision petition under Section 93 of the Act, 2016, however it is submitted that the revisional authority be directed to consider the aforesaid aspect of the matter.

6. *Per contra*, the learned Government Pleader No. 2, appearing for the respondent-State has though supported the aforesaid orders dated 12.09.2025 passed by the District Magistrate, Bhabhua in Excise (Vehicle Confiscation) Case No. 25 of 2025 and the appellate order dated 26.11.2025 passed by the Commissioner Excise, Bihar, Patna in Excise Appeal Case No. 168 of 2025, however he is not averse to liberty being granted to the petitioner to file revision petition and further submits that in case the petitioner files appropriate revision petition, the revisional authority shall definitely take into account the aforesaid submissions of the petitioner and pass a reasoned and speaking order in accordance with law.

7. 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 and in case such a petition is filed within a period of four weeks from today, the revisional authority shall consider all the

submissions to be advanced in the revision petition along with the aforesaid submissions made by the learned counsel for the petitioner in the present case, as recorded hereinabove in the preceding paragraphs and pass a reasoned and a speaking order in accordance with law on the merits of the case within a period of six weeks, thereafter.

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

(Mohit Kumar Shah, J)

(Alok Kumar Pandey, J)

S.Sb/-

U			