

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2473 of 2023

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Rumi Khatoon, Wife of Jalaluddin, Residents of Village- Basdila Khas, P.S.-
Gopalganj Town, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Excise Commissioner, Bihar, Patna.
4. The Inspector General of Police, Bihar, Patna.
5. The District Magistrate/Collector, Gopalganj.
6. The Superintendent of Police, Gopalganj.
7. The Excise Superintendent of Police, District- Gopalganj.
8. The Officer-in-Charge of Gopalganj Town Police Station, District-
Gopalganj.
9. The Investigating Officer of Gopalganj Town, P.S. Case No. 881/2022 dated
26.20.2022, Gopalganj Town Police Station, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate
For the Respondent/s : Mr. Vikash Kumar (SC11)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-05-2023

The petitioner is concerned with the release of his
Hero Splendor Motorcycle bearing Registration No.
BR28Y8248, Chassis No. MBLHW12XMHD88786,
Engine No. HA11EDMHD02467 which was seized on
26.10.2022 in connection with Gopalganj Nagar P.S. Case



No.88 of 2022 dated 26.10.2022 registered for the offence punishable under Section 30 (a) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

We see that quantity of about 18 litres of country made liquor was seized from the vehicle.

The learned State Counsel states that confiscation order has been passed on 27.02.2023 by the confiscating authority, against which no statutory appeal or revision has been filed.

However, learned counsel for the petitioner submits that he is ready to get release of the vehicle under Rule 12A of the Bihar Prohibition and Excise Rules, 2021.

In such circumstances, the petitioner would be entitled to approach the District Collector and make an application under Rule 12A of the Rules which shall be considered by the District Collector exercising the discretion conferred under the said provision within one month of the application filed and if release is ordered; on deposit of penalty, the release of the vehicle shall be made immediately after verification of the ownership of the vehicle.



The writ petition stands disposed of with the
aforesaid observations and directions.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	08.05.2023
Transmission Date	

