

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5440 of 2023

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Ram Pravesh Sah Son of Late Hari Sah, Resident of Village Basant Jagiwan,
P.S. Purnahia, District Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Principal Secretary, Department of Excise, Bihar, Patna.
3. The District Magistrate, Motihari, East Champaran.
4. The Superintendent of Police, Motihari, East Champaran.
5. The S.H.O., Dhaka, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Respondent/s : Mr.Kumar Manish (SC5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 24-04-2023

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The writ petition arises under the Bihar Prohibition and
Excise (Amendment) Act, 2018 (hereinafter referred to as ‘the
Act’).The petitioner is concerned with Super Splendor
motorcycle bearing registration No. BR-05AF-3241, Engine No.
JA05EGK9E21794, Chassis No. MBLJAW090K9E76673
which was seized on 21-07-2022, in connection with Dhaka
P.S. Case No. 430 of 2022, dated 21-07-2022, for the offences



under Sections 30(a)/41(1) of the Act, with 26.400 litres of country made liquor. The petitioner’s vehicle was confiscated by the District Magistrate, Motihari.

3. The petitioner now seeks for release of the vehicle in-question on payment of 50% of the insured value, as has been provided under Rule- 12 A of the Bihar Prohibition & Excise Rules, 2021 (hereinafter referred to as ‘the Rules’).

4. In the above circumstances, if the petitioner files an application under Rule-12A of the Rules, and if the vehicle is not already auction sold or disposed of in any manner till date, then the same shall be considered by the Confiscating Authority i.e., the District Magistrate, Motihari, East Champaran (Respondent No.3), and if directed to be released on payment of penalty, the vehicle in-question shall be released immediately, on such payment being made.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Shyambihari/
sumit-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

