

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7575 of 2025

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Amod Kumar Yadav @ Amod Kumar S/o- Barat Choudhary R/o- Village-
Radhaganj Ramnagar, P.S.- Bhore, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Excise, Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The S.H.O. Excise P.S., District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None.
For the Respondent/s : Mr. Raghwanand GA-11
Mr. Prabhat Kumar AC to GA-11

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 15-05-2025

None appears for the petitioner.

2. In the instant writ petition, the petitioner has prayed
for the following relief(s):

“i.For directing and commanding the
respondent authorities to release the Vehicle namely Hero
Splendor+ motorcycle bearing Registration No.-
BR28AD2368, Engine No.-HA11E8PGC08357 and
Chassis No.-MBLHAW234PGC13192 in favour of the
petitioner which has been seized in connection with
Gopalganj Excise P.S. Case No.888 of 2024 registered on
24.11.2024 under Section 30(a) and 32 of Bihar



Prohibition and Excise Act Amendment Act-2022.

ii. For directing and commanding the respondent authorities to release the Vehicle namely Hero Splendor+ motorcycle in the favour of the petitioner on the ground that the petitioner is the owner of the said motorcycle and same is lying under open sky in the police station as nobody is there to take care of the motorcycle.

iii. For issuance of any other relief or relief(s) for which the petitioner is entitled for.”

3. Learned counsel for the respondent State on instruction submitted that confiscation proceedings has attained finality on 19.02.2025. Resultantly, the petitioner has statutory remedy of appeal before the appellate authority under Section 92 of the Bihar Prohibition and Excise Act, 2016. He has simultaneously remedy of filing application under the prescribed Format -IV for the purpose of release of the vehicle under Rule of 12A of the Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12A in the year 2022 and 2023.

4. If these two remedies are processed by the petitioner, the concerned authority is hereby directed to decide the appeal within a period of three months from the from the date of receipt/production of a copy of this order. Application under Rule-12A shall be decided within a period of one month from



the date of receipt of the application

5. With the above observation, the writ petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.05.2025
Transmission Date	NA

