

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14590 of 2025

Shama Parween Wife of Sheikh Azharuddin Resident of Village- H. No. 175
Shyamli Colony Nirmala College Road Ward No 43, P.S.- Doranda, District-
Ranchi, Jharkhand.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The Officer-in-Charge, Guthni, Police Station Siwan.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Tiwary, Advocate Mr. Devendra Kumar, Advocate
For the Respondents	:	Mr. Jai Prabhat Kishore, AC to SC-13

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

3 19-12-2025 Heard learned counsel for the petitioner and learned AC
to SC-13 for the State of Bihar.

2. The petitioner in the present writ application is seeking a writ in the nature of a Writ of Mandamus commanding the respondent authorities to release the Scorpio of the petitioner bearing Registration No. JH01CE0478 allegedly seized by the Guthani Police in connection with Guthani P.S. Case No. 78 of 2023 registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (as amended up to date).

3. As per the first information report, the vehicle was found carrying 345.600 litres of foreign liquor. It is submitted that



the vehicle was earlier stolen away by unknown persons on 04.03.2023 and in connection with the theft of the vehicle, a first information report being Doranda P.S. Case No. 62 of 2023 was registered for the offence under Section 379 of the Indian Penal Code.

4. On going through the averments made in the writ application, it appears that the petitioner has not approached the competent authority for release of the vehicle in terms of Rule 12A of the Bihar Prohibition and Excise Rules, 2021 (as amended up to date) (hereinafter referred to as the 'Rules of 2021 (as amended up to date)').

5. We have noticed that the vehicle under seizure as per the seizure list of Guthani P.S. Case No. 78 of 2023 is a Scorpio bearing Registration No. JH-01-DB-5251 Chassis No. MA1TA2WG2J28765, Engine No. WG54J19576. The registration number of the vehicle mentioned in the seizure list differs from that of the registration number of the vehicle of which release is being prayed for. This has also been pointed out by learned AC to SC-13 for the State.

6. We have further noticed that the theft case said to have been registered by the petitioner contains the registration number of the vehicle as JH01CE0478. It is evident that while the petitioner is seeking release of the same vehicle which is



mentioned in the FIR of the theft case, the vehicle which is under seizure as per the seizure list bears a different registration number. The chassis number and the engine number as mentioned in the FIR of the theft case are, however, matching with the chassis number and the engine number mentioned in the seizure list of Guthani P.S. Case No. 78 of 2023.

7. Be that as it may, in the nature of the controversy, in our considered opinion, it would only be appropriate for the petitioner to file an application under Rule 12A of the Rules of 2021 (as amended up to date) before the competent authority and pray for release of the vehicle on such terms and conditions as may be imposed by the competent authority in accordance with law.

8. If such an application is preferred in the prescribed proforma within a period of 30 days from today, the same will be considered and an appropriate order thereon shall be passed within one month from the date of filing of the application.

9. This writ application is disposed of.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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