

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14594 of 2025

Md. Ramjan Mansuri S/o Wasim Mansuri, R/o Village- Belarhi, P.S-
Moresarai, P.S- Darigaon, District- Rohtas.

... .. Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Rohtas at Sasaram.
3. The Superintendent of Police, Rohtas at Sasaram.
4. The Officer-in-charge, Darigaon, Rohtas.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Vinay Kumar Singh, Advocate
For the State	:	Mr. Kumar Alok, Standing Counsel (7)

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

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

3 24-12-2025 Heard learned counsel for the petitioner and learned
SC-7 for the State of Bihar.

2. The petitioner in this case is seeking a direction to
the Respondent Authorities to release his motorcycle bearing
Registration No. BR24AG0210, Chassis No.
MD637GE57N2A08352, Engine No. GE5AN248291.

3. In the writ petition, there is no averment that the
petitioner ever approached the competent authority under 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)') for release of the vehicle. It is alleged that 60 litres
of mahua wine were recovered in a jute bag kept on the



motorcycle which was in standing condition.

4. Learned SC-7 for the State has drawn the attention of this Court towards the statements made in the counter affidavit and the enclosures therewith. It appears that as back as on 01.08.2023, the then District Magistrate, Rohtas, Sasaram issued show cause notice to the petitioner. When the notice remained unserved, a paper publication was also done in the newspaper Hindi Daily Hindustan on 20.09.2023 (Annexure 'R-2/D'). Despite said paper publication, no one appeared for the petitioner. In such circumstance, it is stated that an order of confiscation has been passed by the competent authority on 14.06.2024. Copy of the confiscation order has been brought on record (Annexure 'R-2/F').

5. There is no rejoinder to the counter affidavit.

6. In the kind of materials present on the record, we are of the considered opinion that a Writ of Mandamus cannot be issued by this Court. The petitioner is first required to avail his statutory remedy against the order of confiscation.

7. This Court grants liberty to the petitioner to file an appeal within 30 days from today which will be considered by the Appellate Authority on its own merit keeping in view that the petitioner was pursuing his remedy before this Court under



some legal advice.

8. The Appellate Authority shall take an appropriate view of the matter and shall consider as to whether in the circumstances of this case, one opportunity may be given to the petitioner to get released his vehicle on such terms and conditions as may be imposed in terms of Rules of 2021 (as amended up to date).

9. In any case, the appeal preferred by the petitioner shall be heard and disposed of within a period of one month from the date of filing of the same.

10. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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