

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13848 of 2025

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Rambrij Singh, Son of Ramnandan Singh, Resident of Village - Baratpur,
P.S.- Didarganj, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Prohibition, Excise and Registration Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Prohibition, Excise and Registration Department, Govt. of Bihar, Patna.
3. The District Magistrate, District- Saran at Chapra.
4. The Senior Superintendent of Police, District- Saran at Chapra.
5. The Officer In-charge, Khaira (Nagar) Police Station, District- Saran at Chapra.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Nitish Kumar, Advocate
For the State : Mr. AC to SC-16

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date : 19-11-2025

Heard learned counsel for the petitioner and learned AC
to SC-16 for the State of Bihar.

2. The petitioner in this case is seeking a direction to
release Bolero Pickup Van bearing Registration No. BR01GJ-
0745, Chassis No. MA1ZN2TBKK1H63332 and Engine No.
TBK1H70033 which has been seized in connection with Khaira
(Nagar) P.S. Case No. 287 of 2023 registered under Section
30(A)/33 of the Bihar Prohibition and Excise Act, 2018.



3. Learned counsel for the petitioner submits that the vehicle in question has been seized because of the presence of spirit in the vehicle. It is pointed out that the sample of the alleged seized spirit were examined and analyzed by the Department of Prohibition and Excise and after verification, the Department has produced lab report. The verification found that the sample contains ethyl alcohol 0.0% and contains other type of solvent like Butane, Heptane etc. which do not come under the sphere of Bihar Prohibition and Excise Act, 2016 as it contains 0% alcohol. It is submitted that despite this fact, case has been registered against the accused persons including the petitioner under the Excise Act but till date, confiscation has not been initiated and there is no likelihood of initiation of confiscation proceeding. In this regard, the police station has not sent any proposal to the ADM and on contact made by the petitioner to the ADM Office, he has come to know that the confiscation proceeding has yet not been initiated. In the meantime, the petitioner has been granted bail in Criminal Miscellaneous No. 62011 of 2023 vide order dated 26.09.2023.

4. Learned counsel for the petitioner submits that if the vehicle is released, he would be ready to abide by such terms and conditions which may be imposed by this Court.



5. Learned AC to SC-16 submits that there are catena of decisions that in such circumstance where no confiscation proceeding has been initiated and liquor has not been found on the vehicle, the vehicle may be ordered to be released by this Court on such terms and conditions as may be deemed just and proper by this Court.

6. Having regard to the aforementioned submissions and the averments made in the writ application, we direct the District Magistrate, Saran at Chapra to consider the request of the petitioner. If the petitioner files an application for release of the vehicle and the District Magistrate finds that till date, confiscation proceeding has not been initiated, he would order for release of the vehicle forthwith on such terms and conditions which would not be onerous and act hindrance in getting release of the vehicle by the petitioner.

7. If any confiscation proceeding is found to have been registered in connection with vehicle in question, the petitioner will be at liberty to file an application in terms of Rule 12A of the Bihar Prohibition and Excise Rule, 2021 (as amended vide Amendment Rules, 2022) and on filing of such application, the District Magistrate, Saran at Chapra (Respondent No. 3) shall pass



an appropriate order directing the petitioner to deposit the penalty as envisaged under the rules for purpose of release of the vehicle.

8. It goes without saying that if an objection is filed on behalf of the petitioner challenging the maintainability/initiation of the confiscation proceeding, the same shall also be considered by the District Magistrate, Saran at Chapra (Respondent No. 3) and only upon deciding the said issue, any question of quantification of penalty would arise.

9. In any case, the order shall be passed by the District Magistrate within four weeks from the date of receipt/production of a copy of this judgment/from the date of filing of the application, as the case may be.

10. This writ application stands allowed to the extent indicated hereinabove.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.11.2025
Transmission Date	NA

