

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13998 of 2025

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Bitu Kumar, S/o Amika Yadav, Resident of Village- Khudra, P.O.-Pachalakhi,
P.S.-Nautan, District- Siwan.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise and Prohibition, Govt. of Bihar, Patna.
2. The Excise Commissioner Government of Bihar, New Secretariat, Patna.
3. The District Magistrate-cum-Collector, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The S.H.O., Mirganj Police Station, Gopalganj.

... .. Respondents

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Appearance :

For the Petitioner : None
For the Respondents : Mr. Sanjay Kumar, AC to GP-17

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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 : 20-11-2025

No one appears for the petitioner, however, learned AC to GP-17 for the State is present.

2. In the nature of the reliefs prayed for in the writ application, we are disposing it of on the basis of the averments made in the writ application and annexures to the same consequent thereof.

3. The petitioner in this case is seeking release of the motorcycle Bajaj Pulsar N-160 bearing Registration No. BR29BE-3903, Chassis No. MD2B54DX5RPH76232, Engine No. PDXPRH83923 seized in connection with Mirganj P.S. Case No.



251 of 2025 dated 17.05.2025 registered under Section 317(5) of the Bhartiya Nyaya Sanhita and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022. It is alleged that 750 ml of India made foreign liquor was recovered from the backpack of bike rider.

4. According to the petitioner, no confiscation proceeding has been initiated in this matter.

5. Learned AC to GP-17 for the State does not dispute that as per the first information report (Annexure 'P/2'), 750 ml of India made foreign liquor has been seized from the backpack of bike rider. It is not disputed that the liquor was not found in the dickey of the vehicle.

6. Having regard to the materials available on the record, the submissions noted hereinabove and the judgment of this Court in the case of **Sunaina @ Suneina versus State of Bihar and Ors.** reported in **2024 (3) BLJ 163**, we direct the District Magistrate, Gopalganj to pass an appropriate order for release of the vehicle in question. In case, it is found that any confiscation proceeding has been initiated, the same can proceed only after taking a view afresh in the light of the judgment of this Court. In such circumstance, the petitioner may seek release of the vehicle for the time being in terms of Rule 12A of the Bihar Prohibition



and Excise Rules, 2021 (as amended vide Amendment Rules 2022). In any case, the order for release shall be passed by the District Magistrate, Gopalganj within one month from the date of submission of the application by the petitioner.

7. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

lekhi/-

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

