

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13820 of 2025

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Anil Kumar, Son of Late Atama Rai @ Aatam Rai, Residence of Village-
Jamuna Police Station- Muffasil, District- Saran at Chapra.

... .. Petitioner

Versus

1. The State of Bihar through Principle Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Saran at Chapra.
3. The Superintendent of Police, Saran at Chapra.
4. The Station Head Officer, Police Station- Khaira, District- Saran at Chapra.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Shambhu Prasad Yadav, Advocate
For the Respondent/s : Mr. Anuj Kumar, AC to GP-24

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 17-11-2025 Heard learned counsel for the petitioner and learned

AC to GP-24 for the State.

2. The petitioner in this case is seeking release of his
vehicle, namely, Hero Splendor Plus Motorcycle bearing
Registration No. BR-04AH-4922, Engine No.
HA11EYMAA76087, Chassis No. MBLHW120MHA75830.

3. Learned counsel for the petitioner submits that the
petitioner is ready to comply with the provision of Rule 12A of
the Bihar Prohibition and Excise Rules, 2021 as amended vide
Amendment Rules, 2022 (hereinafter referred to as the 'Rules of
2021 as amended').



4. In the aforesaid view of the matter, this Court grants liberty to the petitioner to file an appropriate application before the District Magistrate, Chapra for release of the vehicle. If such an application is filed, the same shall be considered within two weeks from the date of filing of the application and an appropriate order in terms of Rule 12A of the Rules of 2021 as amended shall be passed.

5. Learned AC to GP-24 for the State submits that he is not aware whether the vehicle in question has been confiscated by the District Magistrate.

6. This Court makes it clear that if any confiscation order has already been passed, the petitioner shall be at liberty to avail the remedy of statutory appeal against such order in accordance with law and till the expiry of the period for filing the appeal, the vehicle in question shall not be auction sold in haste.

7. This writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

(Jitendra Kumar, J)

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