

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15657 of 2025

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Dadan Paswan Son of Lalo Paswan Resident of Bihar, Bagiyaghat, Ward No.-15, VTC, Gangaura Behra, P.O.- Gbihra, Sub- District- Satar Katiya, District- Saharsa.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Excise Prohibition and Registration, Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Saharsa.
4. S.H.O., Saharsa Sadar Police Station.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh, Advocate
For the Respondent/s : Mr. AC to SC 4

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

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 27-11-2025 Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner in the present case is seeking release of the vehicle bearing Registration No. BR-19ER-4549, Chasis No. M1SE1AB01R24B-2687, Engine No. EIM2687 which has been seized in connection with Prohibition P.S. Saharsa Case No. 78 of 2025 dated 21.02.2025.

3. It is stated that 24 liters of Mahua liquor has been seized from the vehicle in question.

4. Learned counsel for the petitioner submits that a confiscation proceeding has been initiated and in the said case,



the petitioner is ready to invoke the provisions of Rule 12A of the Bihar Prohibition and Excise Rules, 2021 (as amended up-to-date) (hereinafter referred to as the 'Rules of 2021').

5. Learned counsel for the State submits that instead of moving to this Court by filing this writ application, the petitioner would have approached the Confiscating Authority for release of the vehicle in accordance with the Rules of 2021.

6. This Court is of the considered opinion that it is an ill-advised petition preferred before this Court. From the statements made in the writ application, it is very clear that learned counsel for the petitioner is well aware of Rule 12A of the Rules of 2021 which provides for release of the vehicle. A statement has been made that the petitioner is ready to invoke the provision of Rule 12A.

7. We are of the opinion that the professional ethics required that learned counsel should have taken step to file an application under Rule 12A of the Rules of 2021 instead of filing this writ application involving expenses and wastage of time of the Court.

8. This writ application stands disposed of with liberty to the petitioner to file an application under Rule 12A of the Rules of 2021 before the competent Authority seeking release of



the vehicle. If such an application is preferred, the Competent Authority shall consider the same keeping in view the judicial pronouncements of this Court and pass an appropriate order thereon within a period of four weeks from the date of receipt/production of a copy of this order.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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