

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15527 of 2025

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Md. Ramjani, Son of Md. Naseer, Resident of Saharsa Basti Masaraf Chowk,
Ward No.-38, Kahara, P.S. and 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. The Superintendent of Police, Saharsa.
5. S.H.O., Saharsa Sadar Police Station.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Pankaj Kumar Singh, Advocate
For the Respondent/s : Mr. Kumar Kamal Narayan, AC to SC-28

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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 : 27-11-2025

This writ application has been filed for release of the vehicle bearing Registration No. BR19P-4337 which is said to have been seized in connection with Saharsa Sadar P.S. Case No. 233 of 2025 registered for the offences punishable under Sections 30(a), 41 of the Bihar Prohibition and Excise (Amendment) Act, 2022 (hereinafter referred to as the 'Excise Act').

2. Learned counsel for the petitioner submits that the alleged recovery is of 46 liters of WISCOF Syrup. In the writ application, there is a statement that no confiscation proceeding under Section 57B of the Excise Act has been initiated with



respect to the vehicle of the petitioner seized in connection with this case.

3. Learned counsel for the petitioner submits that the seized vehicle is the only source of running livelihood of the petitioner.

4. Learned counsel for the State submits that in such circumstance, appropriate direction may be issued to the District Magistrate, Saharsa to consider the request of the petitioner and pass an order for release of the vehicle in accordance with law.

5. Having heard learned counsel for the petitioner and the State, we grant liberty to the petitioner to file an application before the District Magistrate, Saharsa (Respondent No. 3) seeking release of the vehicle of the petitioner.

6. If no confiscation proceeding has been initiated against the vehicle in question, the District Magistrate, Saharsa (Respondent No. 3) shall issue appropriate direction to the SHO, Saharsa Sadar Police Station (Respondent No. 5) to release the vehicle. If it is found that a confiscation proceeding has been initiated against the vehicle, the petitioner would be at liberty to file an application under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 (as amended) (hereinafter referred to as the 'Rules of 2021') for release of the vehicle. On filing of such an



application, Respondent No. 3 or any Officer duly authorised by him shall pass an appropriate order on such terms and conditions as may be found fit in accordance with the Rules of 2021.

7. In any case, the Respondent No. 3/ Competent Authority must pass an appropriate order within one month from the date of filing of the application together with a copy of this order.

8. This writ application stands disposed of. It will be open to the petitioner to place the judicial orders of this Court on the subject to Respondent No. 3/ Competent Authority which will also be taken into consideration.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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CAV DATE	
Uploading Date	27.11.2025
Transmission Date	

