

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15680 of 2025

Shekhar Kumar Yadav, Son of Late Bideshi Ray, Resident of Village- Nonahi,
ward no. 09, P.S. Parihar, District- Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise, Prohibition and Registration Department, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Sitamarhi.
3. The Superintendent of Police, Sitamarhi.
4. The Superintendent of Police, Excise, Sitamarhi.
5. The Officer in charge of Parihar Police Station, Sitamarhi.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Rakesh Mohan Singh, Advocate
For the State	:	Mr. Kumar Alok, Standing Counsel (07)

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

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 01-12-2025 It appears on perusal of the writ application that the vehicle in question has been seized in connection with Parihar P.S. Case No. 305 of 2024 dated 05.10.2024 registered for the offence under Section 317(2) of the Bhartiya Nyaya Sanhita, 2023, Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 (hereinafter referred to as the 'Excise Act') as well as under Section 8/20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act (hereinafter referred to as the 'NDPS Act').

2. On going through the statements made in the writ application, it appears that the petitioner has filed a



representation before the District Magistrate (Collector), Sitamarhi on 05.08.2025 vide Annexure 'P/3' to the writ application.

3. Learned counsel for the petitioner submits that the petitioner has not received any notice of confiscation and he is not aware whether any confiscation proceeding has been initiated against the vehicle.

4. Learned Standing Counsel-7 submits that in this case, the vehicle in question has not only been seized for the offence committed under the Excise Act but has also been seized for the offence punishable under the NDPS Act. It is, thus, submitted that even if an order of release is passed by the District Magistrate, Sitamarhi (Respondent No.2), that would not be sufficient for release of the vehicle because a vehicle seized for the offence under the NDPS Act can only be released by the order of a court.

5. Having regard to the aforementioned submissions, learned counsel for the petitioner seeks permission to withdraw this writ application with liberty to pursue his remedy before Respondent No. 2 in accordance with the Bihar Prohibition and Excise Rules, 2021 (as amended up to date) and also before the competent court of law where the matter relating to the offence



under the NDPS Act is pending.

6. In the given circumstance, we grant liberty to the petitioner to seek his remedy before the competent authority/appropriate court, as the case may be, in accordance with law. If any such remedy is applied for, the competent authority/the appropriate court shall consider the same and pass an appropriate order within a reasonable period.

7. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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