

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15817 of 2025

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Sandip Kumar Prasad @ Sandip Kumar Singh, Son of Ramvilas Prasad,
Resident of village Salempur, P.O.- Salempur, P.S.- Sidhwalia, District-
Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Bihar, Patna.
2. The Principal Secretary, Department of Excise, Bihar, Patna.
3. The District Magistrate cum Collector, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Superintendent of Excise, Gopalganj.
6. The Officer-in-Charge, Sidhwalia Police Station, Gopalganj.

... .. Respondents

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Appearance :

For the Petitioner : None
For the State : Mr. AC to SC-10

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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 25-11-2025 No one appears for the petitioner. Learned AC to SC-
10 is present for the State.

2. We have perused the writ application with the
assistance of learned AC to SC-10.

3. In the present writ application, the petitioner has
been seeking a direction to the respondents to release the Hero
Splendor Plus Motorcycle registered in the name of the petitioner
bearing Registration No. BR29AV5931 which has been seized in
connection with Sidhwalia P.S. Case No. 135 of 2025 dated
13.07.2025 registered for the alleged offence under Section 30(a)



of the Bihar Prohibition and Excise Act.

4. It appears on going through the records that the vehicle in question was intercepted at the tri-junction situated at village Jalalpur Giri Tola at about 22:30 Hours. Two persons who tried to flee away on seeing the police party were apprehended. On search of the motorcycle, 28 pieces of 180 ml each of IMFL were recovered from the dickey of the motorcycle and from the carry bag in the hand of the pillion rider, a carton containing 20 pieces of 180 ml each of IMFL was recovered. It is, thus, evident that the vehicle has been seized on finding that it was being used for transportation of liquor.

5. In the writ application, the petitioner has contended that he has not been made accused in this case, he is innocent owner of the motorcycle in question and he was not on board at the time when the motorcycle was intercepted. It is also pleaded that the petitioner lived in Mumbai and had no prior knowledge about the occurrence.

6. According to the petitioner, no notice for confiscation has been served upon him.

7. In the writ application, there is no averment that the petitioner has ever approached the competent authority for release of the vehicle in accordance with the Bihar Prohibition and Excise Rules, 2021 (as amended up to date) (hereinafter



referred to as the 'Rules of 2021 (as amended)'). It appears that the petitioner has directly moved this Court for release of the vehicle in question.

8. Learned AC to SC-10 has rightly submitted that the vehicle has been found involved in transportation of liquor, therefore, its seizure cannot be said to be bad in law. The petitioner has remedy available under the Rules of 2021 (as amended) for release of his vehicle on payment of penalty. He has not applied for the same as yet.

9. Having regard to the submissions and the materials which we have noticed above, we are of the considered opinion that this writ application which has been filed directly without availing the statutory remedy cannot be entertained. The petitioner, if so advised, may avail his statutory remedy for release of the vehicle and take appropriate objections in the confiscation proceeding, if any, initiated.

10. This writ application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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