

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17413 of 2025

Motilal Manjhi S/o Rukhani Manjhi, R/o Bhusawdera, Bhusanw, PS Thawe,
District Gopalganj, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through Secretary, Excise and Prohibition Department
Gov. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Gopalganj, Bihar.
4. The Superintendent of Police, Gopalganj, Bihar.
5. The Superintendent of Excise, Gopalganj, Bihar.
6. The SHO, Gopalganj Police Station, Gopalganj, Bihar.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Sumit Shekhar Pandey, Advocate Mr. Masoom Raza, Advocate Mr. Aman Kumar, Advocate
For the Respondents	:	Mr. Government Pleader (4)

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

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 09-12-2025 Heard learned counsel for the petitioner and learned GP-4
for the State of Bihar.

2. The petitioner in this case is seeking a writ in the nature of Mandamus directing the respondents to release the vehicle of the petitioner being Bajaj Scooter having Registration No. BR28AG3544, Engine No. E20ARH65268, Chassis No. MD2C5920XRAH51756.

3. The vehicle in question has been seized in connection with Gopalganj Excise P.S. Case No. 417 of 2025 dated 21.07.2025 registered under Sections 30(a)/32 of the Bihar Prohibition and Excise Act, 2016 (as amended up to date). Altogether 36 litres of



liquors have been found under transportation on the vehicle in question.

4. It appears on perusal of the writ application that the petitioner has not approached the competent authority in accordance with Rule 12A of the Bihar Prohibition and Excise Rules, 2021 (as amended up to date) (hereinafter referred to as the 'Rules of 2021 (as amended up to date)').

5. Learned GP-4 appears for the State. It is submitted that instead of availing an equally efficacious alternative statutory remedy, the petitioner has approached this Court.

6. Having regard to the aforesaid submissions, we are of the considered opinion that the petitioner may avail his remedy under Rule 12A of the Rules of 2021 (as amended up to date) before the competent authority. If any such application with proposal in Form IV is filed before the competent authority within a period of 30 days from today, the same shall be considered and an appropriate order shall be passed thereon within one month from the date of filing of the application.

7. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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