

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17408 of 2025

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Abhishek Kumar @ Vicky Kumar, S/O Upendra Singh, Resident of village-
Gajrajbigha, P.S. and district-Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar through the secretary, Excise Department, Gov. of Bihar, Patna.
2. The Secretary Excise department, Government of Bihar, Patna.
3. The Excise commissioner, Gov. of Bihar, Patna.
4. The District magistrate cum District collector, Nalanda.
5. The Additional collector cum Additional district magistrate, Nalanda.
6. The Superintendent of police, Nalanda.
7. The Excise superintendent, Nalanda, district Nalanda.
8. The officer in charge of police Nalanda police station Nalanda, district Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar, Advocate
For the Respondent-State	:	Mr. Vikash Kumar, SC-11

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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)

3 22-12-2025 This is a totally misconceived application and an ill-
advised one.

2. It appears that at first instance, the petitioner was wrongly advised to file an application before the learned Special Judge for release of the vehicle. Upon rejection of his application by the learned Special Judge Excise-II, Nalanda, Biharsharif, again he has been wrongly advised by the advocates



of this Court to file this writ application challenging the order of the Special Court.

3. A perusal of the impugned order would itself show that the learned Court has recorded the provisions of the Rules of the Bihar Prohibition and Excise Rules, 2021 (as amended by Amendment Rules 2022) whereunder there is a provision for seeking release of the vehicle. Instead of advising the petitioner to seek his remedy under the provisions under the Rules of 2021, he has been advised to file this writ application.

4. We are of the considered opinion that either lack of knowledge on the part of the learned advocate or because of the non-observance of the professional ethics on their part, the petitioner has been made to suffer by choosing wrong forums again and again. We deprecate such approach on the part of the learned Advocates.

5. At this stage learned counsel for the petitioner submits that he may be permitted to withdraw this application with liberty to file an appropriate application under Bihar Prohibition and Excise Rules, 2021 (as amended by Amendment Rules 2022) seeking release of the vehicle.

6. Learned counsel for the State submits that petitioner is not even the owner of the vehicle in question, his



father is the owner of the vehicle.

7. Be that as it may, we permit withdrawal of the writ application and grant liberty to the petitioner/vehicle owner to seek appropriate remedy as may be advised to him under the Bihar Prohibition and Excise Rules, 2021 (as amended by Amendment Rules 2022).

8. If any such application for release is filed by the vehicle owner or the petitioner if duly authorized in accordance with law by the owner, the same shall be considered by the Competent Authority in terms of the Rules and an appropriate order shall be passed within a period of thirty days from the date of filing of the application.

9. Accordingly, the writ application stands disposed of as withdrawn with the aforesaid liberty.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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