

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17262 of 2025

Ramnath Mahto Son of Ramchandra Mahto, Resident of Village- Ward No. 1,
Gangtibisanpur, Post Office- Jhaphan, Police Station- Ahiyapur, District-
Muzaffarpur.

... .. Petitioner

Versus

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

... .. Respondents

Appearance :

For the Petitioner : Mr. Mazharul Hassan, Advocate
For the Respondents : Mr. Anuj Kumar, AC to GP-24

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
AC to GP-24 for the State.

2. The petitioner in this writ application is seeking
direction for release of the vehicle being PIAGGIO three-
wheeler Tempo bearing Registration No. BR06PF-7858, Engine
No. TD3CSG23020731, Chassis No. MBX000ACF2G311646.

3. The vehicle in question has been seized in
connection with Ahiyapur P.S. Case No. 1102 of 2025 dated
06.08.2025 registered under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016 (as amended up to date). It is



alleged that the vehicle was found transporting 240 litres of country liquor.

4. It appears on perusal of the writ application that despite availability of remedy under 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)'), the petitioner has not approached the competent authority with an application and proposal in Form IV seeking release of the vehicle in question.

5. In such circumstance, learned AC to GP-24 for the State has rightly argued that the petitioner may avail his remedy before the competent authority in accordance with Rules of 2021 (as amended up to date).

6. We grant liberty to the petitioner to move before the competent authority under Rule 12A of the Rules of 2021 (as amended up to date) by filing an appropriate application and Form IV for release of the vehicle in question within a period of 30 days from today.

7. If such an application is filed, the District Magistrate, Muzaffarpur (Respondent No. 2) or any other officer duly authorised by him, as the case may be, shall consider the same and pass an appropriate order within a period of one



month from the date of filing of the application taking into consideration the judicial pronouncements on the subject. Petitioner will be at liberty to place such relevant judicial pronouncements before the District Magistrate, Muzaffarpur or any other officer duly authorised by him, as the case may be.

8. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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