

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18288 of 2025

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Antriksh Kumar, Son of Rajkishor Ray, Resident of Rachiyahi Naya Tola,
Ward No.4, P.O. Ulao P.S. Matihani, District - Begusarai.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
3. The Excise Commissioner, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
4. The District Magistrate-cum- Collector, Samastipur, District - Samastipur.
5. The Assistant Excise Commissioner, Samastipur, Samastipur.
6. The Superintendent of Police, Samastipur District - Samastipur
7. The District Transport Officer, Samastipur, District - Samastipur.
8. The Station Head Officer, Sarai Ranjan Police Station, District - Samastipur.

... .. Respondents

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Appearance :

For the Petitioner : Ms. Divya Bharti, Advocate
For the State : Mr. K.K. Singh, AC to GP-22

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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 04-12-2025 Heard learned counsel for the petitioner and learned
AC to GP-22 for the State.

2. The petitioner in this case is seeking a direction to the Respondent Authorities to release Mahindra Bolero Maxx Pickup Vehicle of the petitioner bearing Registration No. BR01GN7423, Engine No. TTR1A16448, Chassis No. MA1RE2TTKR1A22623 which has been seized in connection with Sarai Ranjan P.S. Case No. 179 of 2024 dated 19.12.2024



registered for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (as amended up to date).

3. It is the submission of learned counsel for the petitioner that the competent authority be directed to impose minimum penalty of 10% of the insured value of the vehicle in view of the provisions as contained in Rule 12A(2) of the Bihar Prohibition and Excise Rules, 2021 (as amended vide Amendment Rules, 2022) (hereinafter referred to as the 'Rules of 2021 (as amended)').

4. It appears on perusal of the writ application that for release of the vehicle in question, the petitioner filed a petition in the court of learned Special Judge Excise-II, Samastipur under some wrong advice which has been rejected vide order dated 23.08.2025. A copy of the order is available on the record as Annexure 'P-5'. It appears that the learned Special Judge Excise Court No.-2, Samastipur has held that the release application filed before the court was not maintainable.

5. On the other hand, learned AC to GP-22 for the State submits that the petitioner is, though, fully aware of the legal provisions under which a release may be prayed for before the District Magistrate, instead of availing his remedy before the competent authority, he has moved this Court in its writ



jurisdiction.

6. Having regard to the entire submissions and the materials available before this Court, this Court is of the considered opinion that the petitioner, if so advised, may file an application in terms of Rule 12A of the Rules of 2021 (as amended up to date) before the District Magistrate or any other officer authorised by him on his behalf.

7. If any such application is filed within a period of 30 days from today, the same shall be considered and an appropriate order thereon shall be passed within one month from the date of filing of the application.

8. In the meantime, the vehicle in question shall not be auction sold.

9. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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