

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18253 of 2025

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Nitesh Kumar, Son of Ramdas Singh, Resident of Village- Makundpur,
Garahi Tola, Hadhudp, P.S.- Jandaha, District- Vaishali, Bihar- 844504.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna.
2. The Additional Chief Secretary-cum-Special Superintendent Prohibition,
Bihar, Patna.
3. The Excise Commissioner, Bihar, Patna.
4. The District Magistrate, Vaishali.
5. The Superintendent of Police, Vaishali.
6. The Station House Officer, Desri Police Station, District- Vaishali.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Ghanshyam, Advocate

For the State : Ms. Vagisha Pragya Vacaknavi, AC to SC-9

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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 10-12-2025 Heard learned counsel for the petitioner and learned

AC to SC-9 for the State of Bihar.

2. This writ application has been filed seeking a writ

in the nature of Mandamus directing the respondents to release
the vehicle (TVS Scooty) bearing Registration No. BR-31BD-
7448 in favour of the petitioner which was seized in connection
with Desri P.S. Case No. 309 of 2025 registered under Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2022.



3. It appears on perusal of the writ application that the vehicle in question has been seized after recovery of 6.375 liters of foreign liquor.

4. In the writ application, there is no averment that the petitioner has approached the Competent Authority in terms of the Rule 12A of the Bihar Prohibition and Excise Rules, 2021 which was inserted vide Amendment Rules, 2022 (hereinafter referred to as the 'Rules of 2021') for release of the vehicle in question.

5. We grant liberty to the petitioner to file an appropriate application in the prescribed form under Rule 12A of the Rules of 2021 within a period of 30 days from today. If such an application is filed, the Competent Authority shall pass an appropriate order thereon within one month from the date of filing of the application.

6. This writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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