

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19218 of 2025

Shiwaji Roy @ Shivji Roy Son of Jogindra Roy @ Yogendra Ray, Resident of
Gheghua, P.S.- Madhuban, District- Motihari, presently residing at 49/01, D-
H Road, Ekbalpur, Kolkata - 700027.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of
Registration, Excise and Prohibition, Government of Bihar, Patna.
2. The Principal Secretary, Department of Registration, Excise and Prohibition,
Government of Bihar, Patna.
3. The District Collector cum District Magistrate, Patna.
4. The Superintendent of Police, Patna.
5. Station-House-Officer, Gaurichak Police Station, Patna.

... .. Respondents

Appearance :

For the Petitioner : Mr. Abhimanyu Deo, Advocate
For the Respondents : Mr. Government Advocate (5)

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

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 12-12-2025 Heard learned counsel for the petitioner and learned
GA-5 for the State of Bihar.

2. The petitioner in this case is seeking a direction to
the respondents to release the vehicle (Tanker) bearing
Registration No. NL01G 9923, Chassis No.
MAT466404B2E12192, Engine No. 11E63138403.

3. It is stated that the tanker in question has been
seized in connection with Gaurichak P.S. Case No. 615 of 2025
dated 04.09.2025 (Annexure P/2) when it was found carrying
49.55 litres of liquor.



4. Learned counsel for the petitioner submits that the vehicle was loaded with mustard oil and the same was to be delivered by the petitioner to C.G. Oil and Derivatives Pvt. Ltd., Nepal. The petitioner is the owner and driver of the vehicle. He got loaded the mustard oil in his tanker but he was not aware that the person who had loaded the mustard oil had also kept 49.55 litres of liquor. Learned counsel submits that when the vehicle was intercepted, the said person fled away.

5. As regards the insurance value of the vehicle, it is stated that the vehicle was 15 years old and for the present, it was having only a third-party insurance.

6. On the other hand, learned GA-5 for the State submits that the vehicle has been allegedly seized as it was found that 49.55 litres of liquor were being transported in the said vehicle. It is pointed out that the petitioner has a remedy available 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)') for seeking release of the vehicle but he has not availed the same and has directly moved this Court.

7. We find substance in the submission of learned GA-5. The petitioner has yet not applied for his remedy



available in terms of Rule 12A of the Rules of 2021 (as amended).

8. In such circumstance, while declining to entertain the writ application, we leave it open to the petitioner to make an application with appropriate Form IV before the competent authority (Respondent No. 3). The Respondent No. 3 is directed to consider the application and proposal for release of the vehicle as early as possible keeping in view that the vehicle is loaded with mustard oil and the same is required to be transported to Nepal. In any case, the application seeking release of the vehicle must be considered and appropriate order be passed thereon within a period of 30 days from the date of filing of the application.

9. The competent authority shall get the valuation of the vehicle done through an expert valuer for purpose of reaching to the quantum of penalty.

10. This writ application is disposed of.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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