

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19172 of 2025

Mahesh Kumar Ray Son of Late Ram Babu Ray R/o village- Mirampur, P.S.-
Raghopur, Vaishali at/Present residing at Mohalla- Goutam Nagar, P.S.-
Jakkanpur, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Addl. Chief Secretary, Excise Department,
Government of Bihar Patna.
2. The District Magistrate cum Collector, Patna.
3. The Senior Superintendent of Police, Patna, District- Patna.
4. The Officer In- Charge, Beur Police Station, District- Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Ganesh Prasad Singh, Advocate
For the State	:	Mr. Kumar Alok, Standing Counsel (7)

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
SC-7 for the State of Bihar.

2. The petitioner in this case is seeking release of his
Bullet Motorcycle bearing Registration No. BR01HY 5654,
Chassis No. ME3J3C5FDR2008931, Engine No.
J3A5FDR2017014 which has been seized by Beur Police in
connection with Beur P.S. Case No. 546 of 2025 registered on
27.09.2025 under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016 (as amended up to date).

3. Learned counsel for the petitioner submits that on
perusal of the first information report and the seizure list, it



would appear that illicit liquors have been found in the truck mentioned at Serial No. 5 of the seizure list showing Truck Registration No. UP 54 T9354. The motorcycle in question is mentioned at Serial No. 11 but no recovery has been shown from this motorcycle. It is submitted that the petitioner is a government servant and the motorcycle belonging to the petitioner was lying in the garage from where the seizure has been made.

4. Learned SC-7 for the State does not dispute that so far as the motorcycle in question is concerned, there is no recovery of liquor from the motorcycle.

5. Having regard to the facts of the present case, we grant liberty to the petitioner to approach the District Magistrate, Patna (Respondent No. 2) or any other officer authorized by him in terms of Rule 12A of the Bihar Prohibition and Excise Rules, 2021 (as amended up to date). If such an application is filed by the petitioner within a period of 30 days from today seeking release of his motorcycle, the same will be considered and decided within a period of one month from the date of filing of the application.

6. It goes without saying that the competent authority dealing with the matter shall be obliged to consider that in the



present case, no liquor has been found under transportation through the motorcycle in question.

7. This Court expects that appropriate view of the matter shall be taken and order on the application seeking release shall be passed within the aforesaid period.

8. Learned counsel for the petitioner may bring all such judicial orders which are applicable to the notice of the competent authority.

9. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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