

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20283 of 2025

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Rajeev Kumar Gupta @ Rajeev Kumar @ Rajeev Gupta @ Rajiv Kumar S/o-
Late Dhaneshwar Prasad Gupta, Resident of Vill- Vishanpur, P.S.- Bela,
District- Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and Excise Department, Bihar Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Officer in Charge of Kuchaikote Police Station, District- Gopalganj.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Adesh Raj Singh, Advocate
For the Respondents	:	Mr. Dheerendra Kumar, AC to GP-5

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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 19-12-2025 Heard learned counsel for the petitioner and learned AC
to GP-5 for the State.

2. The petitioner in the present case is seeking a direction to the respondent authorities to release the Swift Car of the petitioner bearing Registration No. DL5CM0357, Chassis No. MA3EHKD1S00886139, Engine No. K12MN1586110.

3. It appears that the vehicle in question has been seized in connection with Kuchaikote P.S. Case No. 71 of 2025 registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (as amended up to date). It is alleged that from the Swift Car, altogether 70.5 litres of liquor have been recovered.



4. It appears from the averments in the writ application that the petitioner has not approached the competent authority for release of the vehicle in terms of Rule 12A of the Bihar Prohibition and Excise Rules, 2021 (as amended up to date). It is stated that till date, no confiscation proceeding has been initiated.

5. We find from the record that in this case, the seizure has taken place as back as on 21.02.2025. The law provides for finalization of confiscation proceeding within a period of three months from the date of seizure of the vehicle, therefore, if it has not been done, it is the fault of the respondents and not of the petitioner.

6. In case, the petitioner files an application in the prescribed proposal form for release of the vehicle, the same shall be considered by the competent authority (Respondent No. 2) or any other officer authorised by him and an appropriate order shall be passed thereon within a period of one month from the date of filing of the application with the proposal for release.

7. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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