

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19304 of 2025

Rakesh Kumar Singh Son of Lalan Singh, Resident of Gangotri Palace Apartment, Block B, Flat No. 202, Katira Maharaja Hata, Police Station-Nawada (Arrah), District- Bhojpur, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The District Magistrate cum Collector, Bettiah, West Champaran.
3. The Superintendent of Police, Bettiah, West Champaran.
4. The SHO, Jagdishpur, Police Station, Bettiah.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Narendra Kumar Roy, Advocate Mr. Md. Shahid Anwar, Advocate Mr. Shashi Ranjan Dyal, Advocate
For the Respondents	:	Mr. Sita Ram Yadav, GP-16 Mr. Jitendra Kumar, AC to GP-16

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

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 17-12-2025 Heard learned counsel for the petitioner and learned GP-16 for the State.

2. The petitioner in this case is seeking release of his vehicle being a Truck bearing Registration No. BR-03-GA-7270, Engine No. ISBE591804081J63729353 and Chassis No. MAT541057J1J28415 which has been seized in connection with Jagdishpur P.S. Case No. 145 of 2024 registered for the offences under Sections 281 and 324(2) of the Bhartiya Nyaya Sanhita and Section 37 of the Bihar Prohibition and Excise Act.

3. It is the case of the petitioner that no liquor has



been recovered from the vehicle, still it has been illegally seized.

4. On query made by this Court, learned counsel for the petitioner submits that the petitioner had though filed an application seeking release of the vehicle before the learned Exclusive Special Judge, Excise-I, Bettiah vide Annexure 'P/5 Series' to the writ petition, he has not filed any application before the competent authority in terms of 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 up to date)'). It is submitted that the petitioner was under impression that because no liquor has been found in the vehicle and no confiscation proceeding has been initiated, hence, it is the learned Exclusive Special Judge, Excise-I who can pass an order for release.

5. On the other hand, learned GP-16 for the State submits that Rule 12A of the Rules of 2021 (as amended up to date) talks of release of the vehicle on payment of penalty depending upon the quantum of liquor, however, in case, no liquor has been found in the vehicle, the petitioner may file an application before the competent authority seeking release of the vehicle without payment of penalty and, in case, his



submissions are found correct, the competent authority may pass an appropriate order for release of the vehicle.

6. Having regard to the submissions noted hereinabove, we are of the considered opinion that the petitioner is required to file an application under Rule 12A of the Rules of 2021 (as amended up to date) and, in case, it is his submission that no liquor was found in the vehicle, he may advance his submissions before the competent authority and pray for release of the vehicle without payment of penalty.

7. This Court directs the competent authority i.e. the District Magistrate, Bettiah, West Champaran (Respondent No. 2) to consider the application of the petitioner as and when filed and take an appropriate view of the matter. Such application shall be considered and disposed of within a period of one month from the date of filing of the application.

8. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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