

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19486 of 2025

Prakash Kumar Rana, Son of Wajir Rana, Resident of village- Madhopur, Post and Police Station- Itkhori and District- Chatra (Jharkhand).

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate-cum- Collector, Nawada.
3. The Superintendent of Police, Nawada.
4. The Excise Superintendent, Nawada.
5. The Officer-in-charge, Muffasil Police Station, District- Nawada.
6. The Investigating Officer of Muffasil (Muffsil) P.S. Case No.-331 of 2025, P.S.- Muffasil, District- Nawada.

... .. Respondents

Appearance :

For the Petitioner : Mr. Nilendu Kumar Choudhary, Advocate
For the State : Mr. Anil Kumar Verma, AC to AAG-9

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
AC to AAG-9 for the State.

2. The petitioner in this case is seeking release of his vehicle being Mahindra Bolero bearing Registration No. JH-02BK-2466, Engine No. TVN6K8164E and Chassis No. MA1XL2TVXN5K58899 which has been seized in connection with Muffasil (Muffsil) P.S. Case No. 331 of 2025 registered for the offence under Section 30(a) 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 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)').

5. On the other hand, learned AC to AAG-9 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, Nawada (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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