

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2126 of 2026

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Rajesh Kumar S/o Pahalu Mukhiya, R/o Vill- Sanpurkund, Ward No. 9, P.S.-
Nautan, District- West Champaran, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through Secretary Excise & Prohibition Department,
Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Gopalganj, Bihar.
4. The Superintendent of Police, Gopalganj, Bihar.
5. The Superintendent of Excise, Gopalganj, Bihar.
6. The SHO, Gopalganj Police Station, Gopalganj, Bihar.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Sumit Shekhar Pandey, Advocate Ms. Masoom Raza, Advocate Mr. Anal Kumar Singh, Advocate
For the State	:	Mr. Sanjay Prasad, AC to AAG-4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

4 14-05-2026 It appears from the pleadings available on the record

that after seizure of the vehicle in question, a confiscation

proceeding being Confiscation Case No. 809 of 2025 has been

initiated and notice has been issued to the petitioner.

2. Learned counsel for the petitioner submits that in

this case, the vehicle in question being Registration No.

BR22AJ-0870 was stolen away and in this connection, Bettiah

Town P.S. Case No. 155 of 2025 dated 23.09.2025 was

registered under Section 303(2) of the Bhartiya Nyaya Sanhita.



In the said case, the petitioner is not found involved. The vehicle has been intercepted by Excise Team of Gopalganj when the vehicle was carrying 18 litres of liquor. In this connection, Gopalganj Excise P.S. Case No. 686 of 2025 has been registered. The seized motorcycle was bearing a forged Registration No. UP 57F 6453.

3. It is, thus, submitted that in case of a stolen vehicle where the involvement of the owner of the vehicle has not been found either in connection with the theft of the vehicle or in the transportation of the liquor, no confiscation proceeding may be initiated and the vehicle is liable to be released in favour of the petitioner.

4. Learned AC to AAG-4 for the State submits that the petitioner has an alternative remedy which is equally efficacious. He may appeal under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 (as amended up to date) (hereinafter referred to as the 'Rules of 2021') before the concerned District Magistrate/Confiscating Authority where he may bring to the notice of the authority all related materials and the same may be considered before passing an appropriate order.

5. Having regard to the facts and circumstances and the pleadings available on the record, we are of the considered



opinion that in this case, the petitioner, if so advised, may file an appropriate application under Rule 12A of the Rules of 2021 before the District Magistrate/Confiscating Authority at Gopalganj. The petitioner shall bring the entire material to the notice of the Confiscating Authority. The judicial pronouncements on the subject shall also be produced whereafter the Confiscating Authority shall consider the same and pass an appropriate order thereon.

6. If the petitioner makes an application within a period of 30 days from today, the same shall be considered and disposed of within next 30 days from the date of filing of the application.

7. This writ application is allowed to the extent indicated hereinabove.

(Rajeev Ranjan Prasad, J)

(Soni Shrivastava, J)

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