

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.914 of 2026

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Rahmati Khatoon @ Rahmati Wife of Md. Salam, Resident of Village-Ward
No. 2, Doghariya, P.S.-Dagarua, District-Purnea.

... .. Petitioner

Versus

1. The State of Bihar through Additional Chief Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The Commissioner, Excise Department, Govt. of Bihar, Patna.
3. The District Magistrate, Purnea.
4. The Superintendent of Police, Purnea.
5. The District Transport Officer, Purnea.
6. The S.H.O., Baisi Police Station, Purnea.
7. The Excise Inspector, Purnea, Excise Department, Government of Bihar,
Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Bal Krishna Mishra, Advocate
For the State : Mr. Majid Mahboob Khan, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

2 28-01-2026 The present writ petition has been filed for directing

and commanding the respondents to release the three wheeler

vehicle (Toto) of the petitioner bearing Registration No.

BR11RA-1848, Chassis No. M67AF7ELM25E00207, Engine

No. RM052500207, which has been seized in connection with

Baisi P.S. Case No. 302 of 2025 dated 21.07.2025, registered

under Sections 30 (a), 41 and 47 of the Bihar Prohibition and

Excise Act, 2016 against Md. Sharif Salam (husband of the



petitioner) and one Jakrul on account of recovery of 77 litres of illicit liquor from the said three wheeler vehicle.

2. The learned counsel for the petitioner has submitted that the petitioner had bought the said three wheeler for her livelihood and her husband used to drive the said vehicle, however while he was ferrying some passengers by way of daily routine, he was apprehended by the police along with the passengers and illicit liquor. Hence, it is submitted that the petitioner is not having any complicity in the alleged occurrence. Nonetheless, it is submitted that petitioner be granted liberty to file an application under Rule 12A of the Bihar Prohibition and Excise (Amendment) Rules, 2023 (hereinafter referred to as “the Rules, 2023”) but it is prayed that the same be directed to be disposed of within a stipulated time frame.

3. The learned counsel for the respondents-State has got no objection and submits that in case appropriate application is filed by the petitioner under Rule 12A of the Rules, 2023 for release of the vehicle upon payment of penalty, the same would definitely be examined and a reasoned and a speaking order, in accordance with law, shall be passed within a stipulated time frame, as is fixed by this Court.



4. Having regard to the facts and circumstances of the case, we deem it fit and proper to grant liberty to the petitioner to file appropriate petition under Rule 12A of the Rules, 2023 for release of the vehicle in question and in case such an application is filed before the competent authority within a period of four weeks from today, the competent authority shall consider the same in accordance with law and pass a reasoned and a speaking order within a period of six weeks, thereafter.

5. Accordingly, the present writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

(Alok Kumar Pandey, J)

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