

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1267 of 2026

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Guddu Kumar Son of Mohan Mahato, Resident of Village-Baikunthpur, P.S.-
Baikunthpur, Distt-Gopalganj, State-Bihar.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Prohibition and Registration Department, Government of Bihar, Patna.
2. The Deputy Secretary, Excise Prohibition and Registration Department, Government of Bihar, Patna.
3. The Collector, Gopalganj, District-Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Sub Inspector Baikunthpur, District-Gopalganj.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Priya Raj, Adv.

For the State : Mr. Prabhat Kumar, AC to GA 11

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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 release of

Pulsar Motorcycle bearing Registration No. BR29AY2110,

Chassis No. MD2B72BX9PCB54531, Engine No.

JEXCPB66972, which has been seized in connection with

Baikunthpur P.S. Case No. 33 of 2024 dated 03.02.2024



registered under Sections 30 (a) and 41 of the Bihar Prohibition and Excise Act, 2016 against the petitioner and seven persons on account of recovery of various quantity of illicit spirit and as far as the petitioner is concerned, 35 litres of illicit spirit has been recovered from his motorcycle.

2. It is stated in the writ petition that the seized motorcycle belongs to the petitioner and from the same 35 litres of illicit spirit was recovered, however the vehicle is kept in open space of the Excise Police Station District-Gopalganj since 03.02.2024, thus there is all possibility of the said vehicle being damaged, hence the same should be released in favour of the petitioner.

3. We find that Rule 12A of the Bihar Prohibition and Excise (Amendment) Rules, 2023 (hereinafter referred to as the Rules, 2023) provides for release of vehicle on payment of penalty.

4. In such view of the matter, we grant liberty to the petitioner to file appropriate petition under Rule 12A of the Rules, 2023 before the competent authority and in case such an application is filed 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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