

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2808 of 2026

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Anita Gupta Wife of Sanjeev Kumar, resident of Mohalla-Jaiprabha Nagar
Kayasth Tola Ward No.-29, Saharsa, P.S.-Saharsa Sadar, District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Prohibition Excise and Registration Department, Govt. of Bihar, Patna.
2. The Commissioner, Prohibition and Excise Department, Government of Bihar, Patna.
3. The Commissioner Koshi Division, Saharsa.
4. The District Magistrate, Saharsa.
5. The Superintendent of Police, Saharsa.
6. The Assistant Commissioner Prohibition and Excise Department, Saharsa.
7. The Sub Inspector Saharsa Excise P.S., Saharsa.
8. The District Transport Officer, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Amarnath Jha, Adv.
For the State	:	Mr. Subash Prasad Singh, GA-3
		Mr. Indeshwari Prasad Mandal, AC to GA-3

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

3 23-03-2026 The present writ petition has been filed for release of Mahindra/Bolero/pick up van bearing Registration No. BR-11 GD-5720, Chassis No. MA1ZN2TNKL1L53703 and Engine No. TNL1K64951, which has been seized in connection with Saharsa (Prohibition & Excise) P.S.Case No. 258 /2025, dated 2.7.2025, registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 on account of recovery of 420 liters of illicit Codeine Phosphate & Triprolidine cough



syrup.

2. At this juncture, the learned counsel for the petitioner submits that the petitioner has already received a notice for payment of penalty and release of the vehicle in terms of the provisions contained in Rule 12(A)(2) of the Bihar Prohibition and Excise (Amendment) Rules, 2023, hence the petitioner be either granted liberty to pay the said amount of penalty and get the vehicle in question released or challenge the same, by taking recourse to the due process of law. Liberty so sought is granted.

3. The learned counsel for the petitioner also submits that the petitioner be granted liberty to challenge the order dated 21.2.2026, passed by the Ld. Court of District Magistrate-cum-Collector, Saharsa in Confiscation Case No. 249 /2025, by filing appropriate appeal under Section 92 of the Bihar Prohibition and Excise Act, 2016, if so advised. Liberty, so sought, is also granted.

4. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

(Ramesh Chand Malviya, J)

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