

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2653 of 2026

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Ramesh Kumar S/o Achhayavar Prasad, R/o Ward No. 12, Dudahi, P.S.
Harsidhi, District - East Champaran.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Principal Secretary, Excise Department, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The District Magistrate -cum- Collector, East Champaran at Motihari.
5. The Superintendent of Police, East Champaran, Motihari.
6. The Station House Officer, Harsidhi Police Station, District - East Champaran
7. The Investigating Officer of Harsidhi P.S. Case No. 571 of 2024, District-East Champaran.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Respondent/s : Mr. Uday Shankar Sharan Singh, GP-19

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE KUMAR MANISH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

4 16-06-2026 Heard learned counsel for the petitioner and learned
GP-19 for the State.

2. Petitioner in this case is seeking release of the vehicle, i.e. Maruti Brezza car bearing Registration No. BR22BE8208 which has been seized in connection with Harsidhi P.S Case No. 571 of 2024 dated 26.10.2024 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 and Sections 25(1-b), 26 and 35 of the Arms Act.



3. Learned GP-19 for the State submits that the petitioner has got an equally efficacious statutory remedy under 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)'). The said provision provides for release of the vehicle seized in connection with the Excise case on payment of penalty. The Rule also provides for the upper limit of the penalty which may be imposed keeping in view the various factors such as the quantity of liquor said to have been recovered from the vehicle. The statutory remedy has been given a go-bye by the petitioner who has chosen to directly move this Court in its extraordinary writ jurisdiction.

4. Learned counsel for the petitioner does not dispute that there is a statutory remedy available to him.

5. In the aforesaid view of the matter, we refuse to entertain the writ application. The petitioner is at liberty to file an appropriate application invoking Rule 12A of the Rules of 2021 (as amended up-to-date). If such an application is filed within a period of 30 days from today, the same will be considered by the competent authority, i.e. the Collector or an officer authorised by him within a period of 30 days from the date of filing of the application.



6. An appropriate order shall be passed within the aforesaid period keeping in view the various factors prescribed under the Rules. The petitioner will be at liberty to place the judicial pronouncements on the subject before the competent authority.

7. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Kumar Manish, J)

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