

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3481 of 2026

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Sadhu Prasad S/o Late Gopal Prasad, R/o Village - Hasanpura, P.O. Barama,
P.S. Kadirganj, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The District Magistrate - Cum- Collector, Kaimur at Bhabua.
3. Sub-Divisional Magistrate, Bhabua (Kaimur)
4. Station Head of Bhabua Excise Police Station, Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Respondent/s : Mr. Standing Counsel (21)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

2 16-03-2026 The present writ petition has been filed for setting aside the order dated 21.10.2025, passed by the learned Collector-cum-District Magistrate, Kaimur at Bhabhua in Excise Appeal (Vehicle Confiscation) Case No.02 of 2025 whereby and whereunder the appeal filed by the petitioner has stood dismissed and the order dated 07.01.2025, passed by the learned Sub-Divisional Magistrate, Bhabua (Kaimur) has been upheld. The petitioner has also prayed for setting aside the order dated 07.01.2025, passed by the learned Sub-divisional Magistrate, Bhabhua in Excise (Vehicle Confiscation) Case



No.714 of 2024 whereby and whereunder direction has been issued to confiscate the tractor of the petitioner bearing Registration No.BR25GA-5129, Chassis No.933113103281, Engine No.S325N47693, in connection with Kaimur (Prohibition) P.S. Case No.666 of 2024, registered under Sections 30(a), 32(1) & (3) and 41(1) and (2) of the Bihar Prohibition and Excise Act, 2016, on account of recovery of 318 liters of illicit liquor.

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to file appropriate application under Section 12A of the Bihar Prohibition and Excise (Amendment) Rules, 2023 (hereinafter referred to as “the Rules, 2023”) for release of the vehicle on payment of penalty.

3. At this juncture, we may quote hereinbelow explanation to Rule 12A of the Bihar Prohibition and Excise (Amendment) Rules, 2022:-

“Explanation.-In all pending/ongoing cases of confiscation/auction of vehicles, the Collector or the officer authorized by him may give an opportunity to the existing owner to pay the aforesaid penalty and get the vehicle released. Upon satisfaction about ownership and upon payment of such penalty, the ongoing confiscation/auction proceeding may be dropped and the vehicle released.”



4. The learned counsel for the respondent-State submits that in case appropriate petition is filed by the petitioner under Rule 12A of the Rules, 2023 for release of the tractor of the petitioner upon payment of penalty, the same would definitely be considered on merits, in case the vehicle has not already been auctioned sold.

5. 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 application under Rule 12A of the Rules, 2023, before the competent authority and in case such an application is filed within a period of three weeks from today, the same shall be considered in accordance with law and a reasoned and a speaking order shall be passed thereon within a period of three weeks, thereafter in case the vehicle/tractor in question has not already been auctioned sold.

6. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

(Arun Kumar Jha, J)

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