

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4051 of 2026

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Akhilesh Kumar S/o Ramgilash Turiya, Resident of Village-Ektara, P.O.-
Sughari, P.S.-Nawada, Dist.-Nawada, State-Bihar.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Excise Department,
Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The Collector, Nawada.
4. The Sub Divisional Officer Nawada Sub Division, Dist.-Nawada.
5. The Superintendent of Police, Nawada.
6. The Superintendent of Excise, Nawada.
7. The SHO Excise Govindpur Police Station, Dist.-Nawada, Bihar.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Adv.
Mr. Pramod Kumar Verma, Adv.
For the Respondent/s : Mr. Ravi Ranjan, AC to SC-22

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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)

3 22-06-2026 Let the counter affidavit of the State be taken on the
record.

2. Heard learned counsel for the petitioner and learned
counsel for the State.

3. The petitioner in the present case is seeking the
following reliefs:-

“(i) For issuance of a direction to the
Respondents to release the Honda motorcycle
of the petitioner on bail bearing Registration
No. – JH11AQ2403, Engine No. –



JC94EG0623236, Chassis No. – ME4JC941DRG167428 which was alleged to be seized by Police Sub Inspector Govindpur Thana, Dist. – Nawada carrying illegal wine in connection with Govindpur P.S. Case No. 305/2025.

(ii) To direct the respondents to release the motorcycle to the petitioner after payment of penalty.

(iii) To grant any other reliefs to which the petitioner may be found entitled in the facts and circumstances of this case.”

4. On perusal of the writ application, it appears that the petitioner has not availed the remedy available to him under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 (as amended up-to-date) (hereinafter referred to as the ‘Rules of 2021’). He has moved directly before this Court in its writ jurisdiction. We would not encourage the petitioner to avoid the statutory remedy available to him.

5. This writ application is being disposed of with liberty to the petitioner to file an appropriate application in the prescribed format before the Competent Authority i.e the Collector, Nawada or an officer authorized by him in Form-IV under Rule 12A of the Rules of 2021 within a period of 30 days from today. If such an application for the release of the vehicle



is preferred before the Competent Authority, the same shall be considered and disposed of within a period of another 30 days.

6. Let it be recorded that four Royal Stag bottles of 180 ml, total being 720 ml of foreign made liquor have been seized from the vehicle in question. Therefore, before fixing the penalty amount, the Competent Authority shall keep in mind the quantum of the liquor as also the previous involvement of the petitioner, if any. It is open to the petitioner to place all the judicial pronouncements on the subject before the Competent Authority.

(Rajeev Ranjan Prasad, J)

(Kumar Manish, J)

Abhishek/-
SUSHMA2/-

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