

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4227 of 2026

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Vishal Raj S/o Ajay Sah, Resident of Mohalla-137, Teachers Colony Near
Shiv Mandir, P.S.-Chitraguptnagar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Excise and Prohibition
Department, Gov. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Begusarai.
4. Superintendent of Police, Begusarai.
5. The SHO Mufuasil, District Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate
For the Respondent/s : Mr. Abbas Haider, SC 6

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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 24-06-2026 Heard learned counsel for the petitioner and learned
SC-6 for the State.

2. The petitioner in the present writ application is
seeking the following relief(s):-

*“(i) for issuance of a writ of
Mandamus or any other appropriate
order/orders direction/directions directing
the respondents to release the vehicle of the
petitioner which is white pickup bolero
bearing registration number BR 33GA 0165
Chassis No.- MA1-ZN2GH-KF1H62465*



Engine no. GHE1H44511.- in connection with Mufassil P.S. Case No. 551/2022 u/s 30(a) of the Bihar Prohibition & Excise Act, 2016 of the Bihar.

And/or

for any other order/orders relief/reliefs for which the petitioner may be entitled in the eyes of law.”

3. After hearing learned counsel for the petitioner on 22.06.2026, this Court had passed the following orders:-

“Learned counsel for the petitioner has contended that he had purchased the vehicle in an auction sale vide Annexure ‘P/2’. According to him, the name of the purchaser/petitioner was not transferred in the certificate of registration by the District Transport Office (in short ‘DTO’), Jamui as a result whereof when the vehicle was stolen away and then it was seized while carrying illicit liquors, in the subsequent proceedings, the notice was wrongly sent to the erstwhile registered owner. His clear case is that he had not been served.

2. On perusal of Annexure ‘P/2’, it appears that the name of the petitioner could have been incorporated in the certificate of registration only when he would have submitted Form 32 with the



requisite fee, identity letter and residential certificate. 3. In the writ application, there is no averment that the petitioner had applied for transfer of the ownership of the said vehicle.

4. On much insistence by learned counsel for the petitioner, we pass over the matter for the day to enable the petitioner to produce the proof of submission of Form 32 with requisite fees and documents in the office of the DTO, Jamui. 5. Learned counsel for the State is present.

6. List this matter on 23.06.2026.”

4. Today, learned counsel for the petitioner submits that the petitioner had not submitted Form 32 with requisite fee and documents in the office of District Transport Officer, Jamui for transfer of his name.

5. In such circumstance, we are unable to proceed with the matter in the extraordinary writ jurisdiction. The certificate of ownership is not in the name of the petitioner. However, it appears that the petitioner had purchased the vehicle in auction sale.

6. Keeping in view the fact that petitioner had purchased the vehicle in auction sale, we grant liberty to the



petitioner to prefer an appeal against the order of confiscation on the grounds whatsoever would be available to the petitioner in accordance with law. He may also pray for release of the vehicle in question on payment of penalty in terms of Rule 12A of the Bihar Prohibition and Excise Rules, 2021.

7. If an appeal is preferred within a period of 30 days from today before the appellate authority, the appellate authority shall consider the same keeping in view the entire materials which may be brought to his notice.

8. All questions are left open to the parties.

9. The writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Kumar Manish, J)

Ranjeet/-arvind

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