IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4849 of 2026

==

Suresh Chandra Yadav @ Suresh Chandra S/o Balwant Yadav @ Balvanta Yadav R/o Village Kothara Aurai, Sant Ravidas Nagar, Bhadohi, District-Bhadohi (Uttar Pradesh).

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Department, Bihar, Patna.
2. The Director, Excise Department, Bihar, Patna.
3. The Excise Commissioner, Bihar, Patna.
4. The District Magistrate-cum-Collector, Kaimur, Bhabhua.
5. The Superintendent of Police, Excise, Kaimur, Bhabhua.
6. The Sub-Divisional Officer, Kaimur, Bhabhua.
7. The Station House Officer (S.H.O) Excise, P.S. District-Kaimur, Bhabhua.
8. The Investigating Officer of Excise Prohibition, F.I.R. No. 426/2025, Excise P.S - Kaimur, Bhabhua.

... ... Respondent/s

==

Appearance :
For the Petitioner/s : Mr. Pratik, Advocate
Mr.Pramod Kumar, Advocate
For the Respondent/s : Mrs. Shally Kumari, AC to SC-24

==

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

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

3 24-06-2026 Heard learned counsel for the petitioner and learned AC to SC-24 for the State.

2. Petitioner in this case is seeking the following reliefs:-

> "A. A writ in the nature of certiorari or any other appropriate writ, order/orders, directions, quashing the following:
> i. Order dated 12.09.2025 passed in Excise

(Vehicle Confiscation) Case No. 22 of 2025 by Collector-cum-District Magistrate, Kaimur, Bhabhua confiscating the TATA APT TRUCK bearing registration no. UP63BT-2325 under Section 58 (2) of The Bihar Prohibition and Excise (Amendment) Act, 2018. (Annexure- P/3)

ii. Order dated 03.12.2025 passed in Excise Appeal Case No. 176/2025 by Commissioner Excise, Bihar, Patna, dismissing the appeal filed by the Petitioner against the Order dated 12.09.2025 passed by Collector-cum-District Magistrate, Kaimur, Bhabhua by which the Collector-cum-District Magistrate was pleased to confiscate TATA APT TRUCK bearing registration no. UP63BT-2325. (Annexure - P/4)

iii. Order dated 29.01.2026 passed in Excise Revision Case No. 30/2025 by Secretary, Excise Prohibition, Bihar, Patna dismissing the revision filed against the Order dated 03.12.2025 passed in Excise Appeal Case No. 176/2025 by Commissioner Excise, Bihar, Patna. (Annexure - P/5)

B. A writ in the nature of mandamus or any other appropriate writ, order/orders, directions, commanding the Respondent for the following:

i. To hold the orders contained in Annexure- P/4 Annexure-P/2, Annexure-P/3 and P/5 are non-est in the and P15 eye of law.

ii. To release the vehicle- TATA APT TRUCK bearing registration no. UP63BT-2325 in favour of the Petitioner forthwith.

C. To any other relief/reliefs for which petitioner is found entitled to."

3. At the outset, learned counsel for the petitioner submits that the confiscation of the vehicle in question by citing public interest in not releasing the vehicle is neither legal nor justified. In the case of **Manjeet Kumar Yadav Vs. The State of Bihar & Others** reported in **2025 (6) BLJ 797**, this Court has considered sub-rule (3) of Rule 12A of the Bihar Prohibition and Excise Rules, 2021 (As Amended Uptodate) (hereinafter referred to as the 'Rules of 2021') and has dealt with the words "public interest" as occurring in the said Rule. It is not a word of magic and in the garb of public interest the competent authority could not have refused release of the vehicle.

4. Learned counsel submits that the petitioner is not an accused in the case and is willing to get release of the vehicle in question by paying a reasonable amount of penalty which may be imposed in terms of Rule 12A of the Rules of 2021.

5. Learned AC to SC-24 submits that if the petitioner applies for release of the vehicle in question and pays the penalty as may be fixed by the competent authority, the competent authority may be directed to release the vehicle in question on payment of penalty.

6. Having regard to the kind of submissions recorded hereinabove, we set aside the impugned order as contained in

Annexure-P/5. As a result of setting aside of Annexure-P/5, the orders passed by the Commissioner, Excise (Annexure-P/4) and the order passed by the District Magistrate, Kaimur (Bhabhua) (Annexure-P/3) automatically vanish.

7. The petitioner is at liberty to file an application seeking release of the vehicle on payment of penalty in terms of Rule 12A of the Rules of 2021. If such an application is filed within a period of 30 days from today, the competent authority shall consider the same and pass an appropriate order in accordance with law within a further period of 30 days from the date of filing of the application. While fixing the quantum of penalty, the competent authority would be bound by the Rules wherein the guidelines have already been provided. Learned counsel for the petitioner may place the judgments of this Court before the competent authority.

8. This writ application is allowed to the extent indicated hereinabove.

(Rajeev Ranjan Prasad, J)

(Kumar Manish, J)

arvind/-

U			