

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5440 of 2026

Naval Kishor Yadav Son of Mahesh Yadav, Resident of Village- Jogiya, P.S.-
Ladaniya, District- Madhubani.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Development of Registration and Excise, Government of Bihar.
2. The District Magistrate, Madhubani.
3. The Superintendent of Police, Madhubani.
4. The Sub-Divisional Officer, Madhubani.
5. The S.H.O. Babubarhi Police Station, District- Madhubani.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Rananjay Kumar, Advocate Mr. Sharfaraj Ahmad, Advocate Mr. Bhavesh Kumar Sah, Advocate
For the Respondent/s	:	Mr. Uday Shankar Singh, GP-19

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

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 07-07-2026 Heard learned counsel for the petitioner and the State.

2. The petitioner in this case is seeking the following

relief(s):-

(i) For commanding the respondent authorities to release the YAMAHA R15 motorcycle bearing Registration No. BR32AX 8119, in favour of the petitioner who is the owner of the motorcycle in question and said vehicle was seized of pursuance to Babubarhi P.S. Case No. 460 of 2025 dated 07.10.2025 for the offence alleged registered under section 30(a), 41 of the Bihar Prohibition and Excise Act. In this way vehicle in question has been parked in the premise of Babubarhi Police Station causing decay of motorcycle on day to day as the same has been parked in open space



without any use and in absence of any state hanger.

(ii) An for grant any other relief(s) as per the facts and circumstances of this case.”

3. It appears that the S.H.O. of Babubarhi Police Station intercepted a white colour Pickup van which was carrying illicit liquor of 2006.640 litres. It is alleged that this petitioner is the owner of the said Pickup van and he was personally escorting the vehicle. He was riding a YAMAHA R15 motorcycle. After seeing the police party, the petitioner fled away leaving his motorcycle which has also been seized by police.

4. Learned counsel for the petitioner submits that it is evident from the facts of the case that the motorcycle was not transporting any liquor. The liquors have been found allegedly loaded on the Pickup van. It is his submission that so far as the motorcycle is concerned, it may be ordered to be released.

5. On the other hand, learned counsel for the State, submits that the motorcycle has been seized not for carrying the illicit liquor but because it was found that the petitioner was riding the said motorcycle and he was coming behind the Pickup vehicle. On seeing the Police vehicle, petitioner had left his motorcycle and fled away. Learned counsel for the State submits that in such circumstance, the motorcycle has been seized and a confiscation proceeding has been initiated.

6. We have considered the rival submissions at the Bar.



The admitted position is that no liquor was being transported by the motorcycle in question. In such circumstance, the motorcycle cannot be liable for confiscation.

7. We, therefore, direct that the confiscation proceeding shall not continue against the motorcycle in question.

8. If the petitioner applies for release of the motorcycle in the prescribed format in terms of Rule 12(A) of the Bihar Prohibition and Excise Rules, 2016 (as amended up-to-date) before the competent authority, the same shall be considered and disposed of by a reasoned order within a period of 30 days from the date of filing of the application. The competent authority shall keep in mind that under the provisions of the Bihar Prohibition and Excise Act, 2016 (as amended upto date), a vehicle is liable to be confiscated only when it is found engaged in transportation of liquor.

9. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Kumar Manish, J)

Ranjeet/-

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