

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5010 of 2026

Manish Kumar Son of Nandik Ram, Resident of Mohalla- Ambedkar Colony,
Nala Road, Near Dr. Utpal Kant, P.S.- Kadumkuan, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Excise, Dist- Patna.
2. The District Magistrate, District- Patna.
3. The Superintendent of Police, District- Patna.
4. The Police Inspector cum Investigation Officer.
5. The Superintendent of Excise, Patna.
6. The Deputy Superintendent of Excise, Patna.
7. The Executive Magistrate, Sub-division, District- Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Ms. Rashmi Bharti, Advocate

For the Respondent/s : Mr. Deepak Kumar, AC to GP-4

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 24-04-2026 Heard learned counsel for the petitioner and learned
AC to GP-4 for the State.

2. The petitioner in the present writ application is
seeking the following reliefs:-

“(a) For the issuance of appropriate writ
order/direction commanding the Respondent
authorities to release the vehicle CNG Tempo
bearing Registration No. BR01 PQ2192,
Engine No. AZXWPD73083, Chassis No.
MD2B47AXXPWD45008 in favour of the
petitioner, who is owner of the seized vehicle
which was seized in Phulwarisharif P.S. Case



No. 1353 of 2024 dated 10.09.2024 under Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

(b) For issuance of appropriate writ/order/direction commanding the respondent authorities to release the vehicle of petitioner during the pendency of criminal case.

(c) For the issuance of appropriate writ/order/direction commanding the respondent authorities to make proper arrangement for safe custody of the said vehicle which is kept in open sky.

(d) Any other order/orders, direction/directions, relief/reliefs as your Lordship deem fit and proper in the facts and circumstances of the case.”

3. It appears on perusal of the records that the petitioner being the vehicle owner has been made accused in this case. The petitioner has not approached the competent authority in terms of Rule 12A of the Bihar Prohibition and Excise Rules, 2021 (as amended up to date) (hereinafter referred to as the ‘Rules of 2021 (as amended up to date)’) for release of the vehicle in question.

4. Mr. Deepak Kumar, learned AC to GP-4 for the State submits that the petitioner has an alternative statutory remedy before the District Magistrate, Patna or the Confiscating



Authority having jurisdiction.

5. Having regard to the facts and circumstances stated hereinabove and the pleadings on the record, as also keeping in view the Rule 12A of the Rules of 2021 (as amended up to date), we grant liberty to the petitioner to approach the District Magistrate, Patna or the Confiscating Authority, as the case may be, within a period of one month from today.

6. If any such application is preferred within the given period, the said authority shall consider the same and pass an appropriate order within two weeks from the date of filing of the application.

7. During such time, the vehicle in question shall not be auction sold.

8. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Soni Shrivastava, J)

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