

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5011 of 2026

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Rajan Son of Mangat Ram @Mangat, Resident of Village- House No. 225,
Ward No. 6, Tehsila Gurdaspur, P.S.-Shehzada, Nangal, Gurdaspur, Panjab.
... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Bihar Prohibition and Excise Department, Govt. of Bihar, Patna.
2. The District Magistrate, East Champaran, Motihari.
3. The Superintendent of Excise East Champaran, Motihari.
4. The Superintendent of Police, East Champaran, Motihari.
5. The Office Incharge Prohibition and Excise Police Station, East Champaran, Motihari.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
Mr. Sudhir Kumar Sinha, Advocate
For the Respondent/s : Mr. Arvind Kumar, AC to GP-23

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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-23 for the State.

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

“(a) For issue an appropriate writ/writs,
order/orders, direction/directions including a
writ preferably in the nature of mandamus for
commanding the respondents to release the
vehicle/Truck bearing Registration No.
HP38H-0768, Chassis No. MAT466422
H3B82457, Engine No. 71B62458422 in
favour of the petitioner, who is owner of the



said Truck seized in Mehsi P.S. Case No. 272/23 under Section 272/273 of the IPC and section 30(a), 41(i) of Bihar Prohibition and Excise Act, 2016 lying in the premises of police station and subject to delay by furnishing fine the satisfaction of learned District Magistrate, East Champaran, Motihari.

(b) Any other relief/reliefs to which the petitioner is entitled in the facts and circumstances of the case.”

3. It appears on perusal of the records that the petitioner is not named in the FIR but during course of investigation, the police found that the petitioner is the owner of the vehicle. 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. Learned AC to GP-23 for the State submits that the petitioner has an alternative statutory remedy before the District Magistrate, East Champaran, Motihari 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, East Champaran, Motihari 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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