

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7073 of 2026

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Rahul Jha @ Rahul Kumar Jha S/o Bipin Jha, R/o Village- Morwa, Ward No.- 13, P.S.- Mushrigharari, District- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Principal Secretary, Department of Prohibition of Excise, Government of Bihar, Patna.
3. Director, Department of Prohibition of Excise, Government of Bihar, Patna.
4. District Magistrate, Samastipur.
5. Superintendent of Police, Samastipur.
6. Station Head Officer, P.S.- Samastipur (Muffasil), District- Samastipur.
7. Investigating Officer, Samastipur (Muffasil) P.S. Case No.- 428/25, District- Samastipur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate
For the Respondent/s : Mr. Dhurjati Kumar Prasad, GP-14

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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)

2 07-07-2026 Heard learned counsel for the parties.

2. This writ application has been filed seeking the
following relief(s):-

“(i) For issuance a writ in the nature of Mandamus directing the respondents to release the vehicle bearing Registration No.- BR-09AT-9455 in favour of the petitioner, which is seized in connection with Samastipur (Muffasil) P.S. Case No. 428/25 registered U/S 30(a) of Bihar Prohibition and Excise Act;



(ii) For any other relief(s) to which the petitioner may be found entitled in the facts and circumstances of the present case.”

3. While it is the case of the petitioner that only 1.5 litre of liquor has been recovered from his private vehicle, learned counsel for the State has informed that the petitioner is accused in at least three other cases registered under the Bihar Prohibition and Excise Act. Moreover, it is his submission that the vehicle is a private vehicle and the petitioner has not denied that the vehicle is in his possession. Confiscation proceeding is going on but the petitioner has avoided to appear in the confiscation proceeding.

4. Having regard to the submissions, without going into the merit of the contentions, we decline to entertain a writ application directly filed for the remedy applied.

5. The petitioner may seek his remedy in terms of the statutory provisions under Rule 12(A) of the Bihar Prohibition and Excise Rules, 2021 (as amended upto date) before the competent authority.

6. If any such application is preferred by the petitioner, the same will be considered by the competent authority within a period of 30 days and an appropriate order shall be passed thereon. The contentions of the parties are left



open.

7. This writ application stands disposed of
accordingly.

(Rajeev Ranjan Prasad, J)

(Kumar Manish, J)

Ranjeet/-

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