

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7873 of 2026

Vivek Kumar S/o Rajesh Mahto, resident of village- Hawaspur, Ward No. 11
(incorrectly mentioned in the Aadhar Card as Ward No. 05), P.S.- Patori,
District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Excise, Prohibition and Registration, Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The Collector, Samastipur.
4. The Superintendent of Police, Samastipur.
5. The Station House Officer, Excise P.S. Patori, District- Samastipur,

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Suneil Kumar Thakur
For the Respondent/s : Mr.Government Pleader (6)

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
and
HONOURABLE MR. JUSTICE VIKASH KUMAR**

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA)

- 2 15-07-2026 1. Heard learned Counsel for the petitioner and learned Counsel for the State.
2. The present writ application has been filed for a direction to the District Magistrate, Samastipur, to release the Apache motorcycle of the petitioner, bearing registration no. BR33BR-2691, Chassis No. MD637GE55T2AC9841 and Engine No. HE5AT20A0653, which was seized in



connection with Patori Excise Police Station Case No. 46 of 2026, dated 06.03.2026, registered for the offences under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016, in terms of Rule 12A of the Bihar Prohibition and Excise Rules, 2021.

3. Learned Counsel for the petitioner submits that Patori Excise Police Station Case No. 46 of 2026 was registered for recovery of 10 litres of illicit liquor, which was being allegedly transported on the motorcycle, driven by two persons, Amarjeet Mahto and Rajesh Mahto. The petitioner was not present at the time of seizure and arrest of the persons, who were driving the motorcycle, which belong to the petitioner, from where illicit liquor was recovered.
4. Learned Counsel for the State submits that the motorcycle of the petitioner was indulged in the transportation of illicit liquor, as such, the First Information Report has been registered under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016 and the motorcycle, in question, was seized. On the proposal of the Excise Superintendent, Samastipur, a confiscation proceeding has been initiated against the petitioner for confiscation of



the motorcycle of the petitioner before the Presiding Officer -cum- District Supply Officer, Samastipur, bearing Confiscation Case No. 34 of 2026. She further submits that there is provision under Rule 12A of the of the Bihar Prohibition and Excise Rules, 2021 for release of the vehicle by the confiscating authority and the petitioner may avail the remedy under Rule 12A of the 2021 Rules by filing an application for release of the vehicle in Form IV.

5. Considering the nature of prayer made in the writ application and the fact that the petitioner has not availed the remedy under Rule 12A of the 2021 Rules, the present writ application is disposed with liberty to the petitioner to file an appropriate application in Form IV for release of his vehicle under Rule 12A of the 2021 Rules within a period of two weeks from today.
6. It is made clear that if such an application is filed by the petitioner in Form IV within the aforesaid period, the Confiscating Authority/District Supply Officer, Samastipur, shall dispose the same in accordance with law by a speaking order at the earliest, preferably within a period of two weeks from the date of filing of the



application.

(Anil Kumar Sinha, J.)

(Vikash Kumar, J.)

Prabhakar Anand/-

U	√		
---	---	--	--

