

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7305 of 2026

Abhay Kumar Singh Son of Radho Singh, Resident of Village - Tonatand,
Post and Police Station - Itkhori and District- Chatra (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Gaya.
3. The Superintendent of Police, Gaya.
4. The Excise Superintendent, Gaya.
5. The Officer-in-Charge, Excise (Gaya) Police Station, District- Gaya.
6. The Investigating Officer of Excise (Gaya) P.S. Case No. - 1006 of 2024, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary
For the Respondent/s : Mr. Standing Counsel (25)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
and
HONOURABLE MR. JUSTICE VIKASH KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA)

2 20-07-2026 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, Gaya, to release the vehicle Maruti Suzuki Dzire Car, Registration No. JH-02BP-7216, Chassis No. MA3CZFB3SPK-838084 and Engine No. K12NN1025123, which was seized in connection with Excise (Gaya) P.S. Case No. 1006 of 2024, dated 26.09.2024, registered for the offences under Sections 30(a) and 32(3) of the Bihar



Prohibition and Excise (Amendment) Act, 2018, in terms of Rule 12A of the Bihar Prohibition and Excise Rules, 2021.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He further prays for release of the seized vehicle in accordance with Rule 12A of the Bihar Prohibition and Excise Rules, 2021.

4. Learned counsel for the State submits that the vehicle in question belonging to the petitioner was allegedly used for transportation of illicit liquor and, as such, the First Information Report has been registered under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018 and the vehicle in question was seized. He further submits that there is a provision under Rule 12A of the 2021 Rules for filing an application in Form IV for release of the vehicle.

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 of 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, Gaya, shall dispose of the same in accordance with law by passing a speaking order at the earliest, preferably within a period of two weeks from the date of filing of the application if confiscation proceeding/appeal/revision and auction has not yet concluded.

(Anil Kumar Sinha, J)

(Vikash Kumar, J)

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