

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8591 of 2026

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Mohammad Azam @ Md. Azam Son of Lal Mohammad, Resident of Mohalla Nawada, P.S. Rasulpur, District - Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The S.H.O. Excise P.S., Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. K.P. Gupta, Government Pleader (10)

Mr. Staya Vrat, AC to GP 10

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

(Per: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA)

2 16-07-2026 1. No one appeared for the petitioner. Yesterday also, no one had appeared for the petitioner.

2. The present writ application has been filed by the petitioner for a direction to the respondent authorities to release his E-rickshaw bearing Registration No. BR01SV8878, Chasis No. M67AF7ECM22K14522, Engine / Motor No. 016429 which was seized in connection with Excise P.S. Case No. 284 of 2025 dated 27.04.2025 registered for the offences under



Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. The brief fact of this case in nutshell is that during the course of vehicle checking the petitioner was apprehended by Excise Police Official with his E-rickshaw and upon search altogether 82.040 liters of IMFL is said to have been recovered from E-rickshaw.

4. The petitioner is the rightful owner of the said E- rickshaw in question and no final order in the confiscation proceeding in connection with Excise P.S. Case No. 284 of 2025 has been passed by the Respondent No. 2 which gets reflected from the statement made in paragraph no. 13 of the writ petition. The petitioner in paragraph no. 14 has made a specific statement that he undertakes that he will not dispose / sell the vehicle in question and also undertakes to produce it before the court concerned as and when required. In paragraph no. 16 of the writ application it has been stated that the petitioner has got no alternative efficacious remedy than to approach this court in its writ jurisdiction.

5. Learned counsel for the State submits that the E-rickshaw 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 Amendment Act, 2022 and the E-rickshaw in question was seized and confiscation proceeding has been initiated against the petitioner for confiscation of the E-rickshaw of the petitioner. He further submits that there is provision under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 (for short “2021 Rules”) 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.

6. Considering the nature of prayer made in the writ application and the fact that the petitioner has not availed the remedy under Rules 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.

7. 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 Magistrate, Siwan 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 the filing of the application.

(Anil Kumar Sinha, J)

(Vikash Kumar, J)

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