

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8760 of 2026

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Vijay Paswan S/o- Dinesh Paswan, R/o Village - Gangauli, P.S.- Dalmiya Na-
gar, District Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate -Cum- Collector, Rohtas at Sasaram.
3. The Excise Superintendent, District Rohtas at Sasaram.
4. The Officer-In- Charge -Cum- Station House Officer, Dalmiya Nagar in the District- Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjit Kumar

For the Respondent/s : Mr.Standing Counsel (25)

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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 17-07-2026 1. Heard learned counsel for the petitioner and learned
counsel for the State.
2. The present writ application has been filed by the
petitioner for a direction to the respondent authorities to release
his Splendor Plus Motorcycle bearing Registration No.
BR24AS-5199 , Chasis No. MBLHAW473SHJ00494 & Engine
No. HA11F6SHJ06257 which was seized in connection with
Sasaram Excise P.S. Case No. 186 / 2026 dated 08.04.2026 reg-
istered for the offence under Section 30(a) of the Bihar Prohibi-
tion and Excise Act, 2018.
3. Learned counsel for the petitioner submits that



aforesaid case was registered for recovery of 03 liters of illicit Mahua wine from the dickey of the motorcycle in question. He further submits that petitioner is the bona fide owner of the vehicle and he had given his motorcycle to his friend for purchase of medicine for her ailing mother, who misused the vehicle for transportation of illicit liquor without consent and / or knowledge of the petitioner. The petitioner was not arrested on the spot and he was not present at the time of seizure. The vehicle of the petitioner after seizure is lying under open sky and it is very likely that the same will decay due to rain, sun and dust. The petitioner undertakes to produce the vehicle before the court as and when required.

4. On the other hand, learned counsel for the State submits that the Splendor Plus motorcycle of the petitioner was indulged in the transportation of illicit liquor, as such, first information report has been registered under Section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2018 and the vehicle in question was seized and confiscation proceeding has been initiated for confiscation of the motorcycle 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.

5. 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, if confiscation proceeding has not been concluded, 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 Magistrate -cum- Collector, Rohtas at Sasaram 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)

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(Vikash Kumar, J)

