

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8453 of 2026

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Raushan Kumar S/o Vinod @ Vinod Singh, Resident of Village - Sirsiya Ward
No. - 6, P.S. Kathaiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Bihar, Patna.
2. The Divisional Commissioner, Excise Department, Patna Division, Patna.
3. The District Collector, Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.
For the Respondent/s : Mr. Standing Counsel (5)

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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 15-07-2026 Heard learned Counsel for the petitioner and learned
Counsel for the State.

2. The present writ application has been filed by the
petitioner for the following reliefs:-

(I). For release the vehicle Maruti Wagon-R bearing
Registration No. BR06EA8614, which is seized by the
respondent authorities in connection with Excise P.S. Case No.
239/2026 for the offence registered under section 30(a), 32(3) of
the Excise Act.

(II) For till date confiscation case has been not



initiated in the present case.

3. Learned Counsel for the petitioner submits that Excise Police Station Case No. 239 of 2026 was registered for recovery of 34.920 litres of illicit foreign liquor, which was being allegedly transported on the Maruti Wagon-R. It is further submitted that the petitioner namely Raushan Kumar along with his friends namely Abhishek Kumar and Ritesh Kumar were going to attend the Birthday party. Learned counsel further submits that the petitioner is innocent and has falsely been implicated in the present case. He prays for release of the seized vehicle in accordance with Rule 12A of the Bihar Prohibition and Excise Rule, 2021.

4. Learned Counsel for the State submits that the Maruti Wagon-R of the petitioner was indulged in the transportation of illicit liquor, as such, the First Information Report has been registered under Section 30 (a), 32(3) of the Bihar Prohibition and Excise Act and the vehicle in question was seized. He next 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 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 District Magistrate/Authorised Officer, Muzaffarpur, 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, if the vehicle has not yet been finally confiscated and auctioned.

(Anil Kumar Sinha, J)

(Vikash Kumar, J)

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