

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8563 of 2026

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Sudip Kumar son of Nageshwar Singh, Resident of Village Sulindabad Ward
No. 3, P.S. Saharsa, District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Bihar Prohibition, Excise and Registration Department, Govt. of Bihar, Patna.
2. The Commissioner, Bihar Prohibition and Excise Department, Govt. of Bihar, Patna.
3. The Commissioner, Koshi Division, Saharsa.
4. The District Magistrate, Saharsa.
5. The Superintendent of Police, Saharsa.
6. The Assistant Commissioner, Prohibition and Excise Department, Saharsa.
7. The District Transport Officer, Saharsa.
8. The Station House Officer, Sonbarsa, Kachahari, Police Station, District-Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amarnath Jha, Adv.
For the State	:	Mr. Anant Prasad Singh, SC-15, Mrs. Deepika Sharma, AC to SC-15

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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 issuance of an appropriate writ directing the respondents for release of petitioner's Motorcycle -Royal Enfield Hunter bearing Registration No. BR19Y-8882, Chasis No. ME3J3D5FDS1002368, Engine No. J3A5FDS1001120 which has been seized in connection with Sonbarsa Kachahari P.S. Case No. 7/2026 lodged on 17.01.2026 for the offence U/s 30(a), 41(1) of the Bihar Prohibition and Excise Act. 2022(Amended).

3. Learned Counsel for the petitioner submits that Sonbarsa Kachahari Police Station Case No. 7 of 2026 was registered for recovery of 500 ML. Codeine Cough Syrup of WISCOF Company, which was being allegedly transported on the Motorcycle Royal Enfield. The accused of the case Kundan Kumar Singh, as per allegation was arrested and from his Jacket 500 ML. of Codein Cough Syrup of WISCOF Company was seized. The recovery has not been made from the possession of the petitioner or his vehicle. The accused Kundan Kumar Singh is the cousin brother of the petitioner and he was riding the vehicle. The petitioner has nothing to do with the seized articles. 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 Rule, 2021.

4. Learned Counsel for the State submits that the Motorcycle Royal Enfield of the petitioner was indulged in the transportation of illicit liquor, as such, the First Information Report in connection with Sonbarsa Kachahari P.S. Case No. 7 of 2026 has been registered under Section 30 (a), 41(1) of the Bihar Prohibition and Excise Act, 2022 (Amended) and the motorcycle, 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 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, Saharsa, 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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