

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9178 of 2026

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Manmohan Kumar S/o Late Parmatma Prasad, R/o- vill.- Chotka Telpa, P.S.-
Nagar, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Saran at Chhapra.
2. The Assistant Commissioner of Prohibition, Saran at Chhapra.
3. The Superintendent of Police, Saran at Chhapra Excise Dept.
4. The Deputy Superintendent of Police, Saran at Chhapra, Excise Dept.
5. The Station House Officer, Saran at Chhapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Respondent/s : Mr. Standing Counsel (09)

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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 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 learned District Magistrate, Saran, to release the TVS Jupiter Scooty bearing Registration No. BR04AU-5754, Engine No. MD626AK45R3H07017 and Chassis No. BK4HR3001180, which was seized in connection with Excise Sadar P.S. Case No. 69 of 2025, dated 12.04.2025, registered for the offence under Section 30(A) of the Bihar Prohibition and Excise Act, 2016. It is stated that the petitioner is the registered



owner of the said vehicle and confiscation proceeding was initiated before the learned District Magistrate, Saran in Confiscation Case No. 347 of 2025, wherein order dated 17.11.2025 has been passed confiscating the vehicle.

3. Learned counsel for the petitioner submits that the petitioner is the registered owner of the vehicle in question and has no involvement in the alleged offence. The petitioner could not appear in the confiscation proceeding due to non-receipt of notice as he was working at Ludhiana at the relevant time. He further prays that appropriate direction may be issued for release of the seized vehicle in accordance with law.

4. Learned counsel for the State submits that the vehicle in question was seized in connection with Excise Sadar P.S. Case No. 69 of 2025 registered under Section 30(A) of the Bihar Prohibition and Excise Act, 2016 and confiscation proceeding was initiated, wherein the learned District Magistrate, Saran has already passed the confiscation order dated 17.11.2025 in Confiscation Case No. 347 of 2025. It is further submitted that the petitioner has an efficacious statutory remedy of appeal under Section 92 of the Bihar Prohibition and Excise Act, 2016 against the said order.

5. Considering the nature of the prayer made in the



present writ application and the fact that the order of confiscation has already been passed by the learned District Magistrate, Saran in Confiscation Case No. 347 of 2025 vide order dated 17.11.2025, this Court is of the view that the petitioner has statutory remedy of appeal under Section 92 of the Bihar Prohibition and Excise Act, 2016. If the vehicle has not yet been auctioned, the petitioner has the liberty to file an application under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 in Form-IV within a period of two weeks.

6. It is made clear that if such application is filed by the petitioner, the District Magistrate/authorised authority shall dispose the same by passing a reasoned and speaking order, strictly in accordance with law, preferably within a period of two weeks from the date of filing of such application under Rule 12A.

(Anil Kumar Sinha, J)

(Vikash Kumar, J)

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