

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9098 of 2026

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Shambhu Kumar S/o Suresh Yadav, resident of village- Bhareti, Post and P.S.-
Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and Excise Department, Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Superintendent of Excise, Gaya.
4. The Senior Superintendent of Police, Gaya.
5. The Police Inspector-cum-S.H.O., Wazirganj P.S., District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha
For the Respondent/s : Mr. Government Pleader (27)

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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. 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 Ape Auto HT DX CNG OBD2A Tempo bearing Registration
No. BR02PC-1582, Chasis No. MBX000ACF3D399926 & En-
gine No. TD3CSD33026146 which was seized in connection
with Wazirganj P.S. Case No. 70 of 2025 dated 04.02.2025 reg-
istered for the offence under Section 30(a) of the Bihar Prohibi-
tion and Excise Amendment Act, 2022.



3. Learned counsel for the petitioner submits that aforesaid case was registered for recovery of 100 litres of country made chulai wine from the Tempo of the petitioner bearing registration no. BR02PC-1582 and the Police apprehended the driver of the vehicle namely Shankar Kumar. He further submits that petitioner is the bona fide owner of the vehicle and he was not present at the time of seizure and the driver of the Tempo transported illegal wine without knowledge of the petitioner. 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 by the court.

4. On the other hand, learned counsel for the State submits that the Tempo 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 Tempo in question was seized and confiscation proceeding has been initiated against the petitioner for confiscation of the Tempo. 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 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, Gaya 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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