

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9392 of 2026

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Krishna Kumar Son of - Achchhelal Sah, Resident of Village - Ward No. - 06,
Raypatti, Bhatahan, P.O. - Sugauli, P.S. - Sugauli, District- East Champaran at
Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar, Through the Principal Secretary, Home Department,
Government of Bihar, Patna.
2. The Principal Secretary, Excise Department, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The District Magistrate- cum- Collector, West Champaran at Bettiah.
5. The Superintendent of Police, West Champaran at Bettiah.
6. The S.H.O. Banuchhapar Police Station, District- West Champaran at
Bettiah.
7. The S.H.O. Nautan Police Station, District- West Champaran at Bettiah.
8. The Investigating Officer, Nautan Police Station, P.S. Case No. 188 of 2026,
District- West Champaran at Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Diksha Kumari
For the Respondent/s : Mr. Government Pleader (2)

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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 District Magistrate, West Champaran, to release
the HERO HF DELUXE Motorcycle of the petitioner, bearing
Registration No. BR05AL 5081, Engine No.
HA11EXLHJ00001 and Chassis No. MBLHAW101LHJ00146,



which was seized in connection with Nautan P.S. Case No. 188 of 2026, dated 07.04.2026, registered for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018, in terms of Rule 12A of the Bihar Prohibition and Excise Rules, 2021.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has no involvement in the alleged offence. The vehicle in question was stolen from the lawful possession of the petitioner's brother-in-law and was subsequently recovered by the police and seized in connection with the present Excise case. She further prays for release of the seized vehicle in accordance with Rule 12A of the Bihar Prohibition and Excise Rules, 2021.

4. Learned counsel for the State submits that HERO HF DELUXE Motorcycle of the petitioner was used for transportation of illicit liquor and, as such, the First Information Report has been registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2018 and the vehicle 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 is disposed of 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 Supply Officer, West Champaran, shall dispose of the same in accordance with law by passing a speaking order at the earliest, preferably within a period of two weeks from the date of filing of the application if confiscation proceeding/appeal/revision and auction has not yet concluded.

(Anil Kumar Sinha, J)

(Vikash Kumar, J)

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