

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9798 of 2026

Praveen Anand Son of Mithilesh Kumar Chaubey, Resident of village-Sadat-pur, P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Commissioner, Excise, Saran Division, Siwan.
3. The District Magistrate Siwan.
4. The Superintendent of Police, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajiv Kumar
For the Respondent/s : Mr.Government Pleader (03)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
and
HONOURABLE MR. JUSTICE VIKASH KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA)

- 2 17-07-2026 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 no. 3 to release his car bearing Registration No. BR06AR-5772, Engine No. G4LAFM644175 and Chasis No. MALA841CLFM099633D was seized in connection with Goriakothi P.S. Case No. 43 / 2026 dated 22.02.2026 registered for the offence under Section 30(a), 41(1) of the Bihar Prohibition and Excise Amendment Act, 2022.
3. Learned counsel for the petitioner submits that a



total quantity of 112.320 liters of whiskey has been recovered from the XCENT car of the petitioner leading to registration of the Goriakothi P.S. Case No. 43 / 2026. He further submits that the vehicle in question was plying on rental basis. He further submits that petitioner is the bona fide owner of the vehicle and he was not present at the time of seizure. The vehicle of the petitioner after seizure is lying under open sky in the campus of the Police Station without any care or protection and it is very likely that the same will decay due to rusting. The petitioner undertakes that he will neither sell the aforesaid vehicle nor he will put the same on lease thereby creating third party right and interest and he further undertakes that he will produce the vehicle before the court as and when required.

4. On the other hand, learned counsel for the State submits that the XCENT car of the petitioner was indulged in the transportation of illicit liquor, as such, first information report has been registered under Section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2022 and the vehicle in question was seized and confiscation proceeding has been initiated for confiscation of the car of the petitioner. 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, if confiscation proceeding has not concluded, 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, Siwan 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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