

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12134 of 2025

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Bulet Yadav @ Bulat Yadav, Gender-Male, Son of Prabhu Yadav, Resident of Village- Sital Bardaha, P.S. Kuchaikote, District Gopalganj.

... .. Petitioner/s

Versus

- 1. The State of Bihar through The Principal Secretary, Department of Excise and Prohibition, Bihar, Patna.
- 2. The Secretary, Bihar Prohibition and Excise, Government of Bihar, Patna.
- 3. The Commissioner, Excise, Bihar, Patna.
- 4. The Collector, Gopalganj.
- 5. The Sub-Divisional Magistrate, Gopalganj.
- 6. The Superintendent of Police, Excise, Gopalganj.
- 7. The Deputy Superintendent of Police, Gopalganj.
- 8. The District Excise Officer, Gopalganj.
- 9. The Officer-in-Charge, Town Police Station, District Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Advocate
For the Respondent/s : Mr. Pratik Kumar, AC to GA 11

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

4 09-02-2026 The present writ petition has been filed for quashing the order dated 03.12.2024 passed by the Commissioner, Excise, Bihar, Patna in Excise Appeal Case No.96 of 2024 (arising out of Gopalganj Town P.S. Case No.175 of 2024 registered under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016 on account of recovery of 27 liters of country made illicit liquor



from the Splendor Plus motorcycle of the petitioner bearing registration No.-BR-28 AA 4619), whereby and whereunder the order passed by the Sub-Divisional Magistrate, Gopalganj pertaining to confiscation of vehicle in question has been upheld. The confiscation order dated 05.07.2024 passed by the Sub-Divisional Magistrate, Gopalganj in Sub-Divisional Confiscation (Excise) Case No.389 of 2024, whereby and whereunder direction has been issued for confiscation of the motorcycle of the petitioner, is also under challenge. The petitioner has also prayed for release of the aforesaid vehicle in question.

2. We find, from perusal of Rule 12 A of the Bihar Prohibition and Excise (Amendment) Rules, 2022 (hereinafter referred to as the 'Rules, 2022') that an explanation has been provided therein which reads as under:-

[Explanation: In all pending/ongoing cases of confiscation/ auction of vehicles, the Collector or the officer authorized by him may give an opportunity to the existing owner to pay the aforesaid penalty and get the vehicle released. Upon satisfaction about ownership and upon payment of such penalty, the ongoing confiscation/auction proceeding may be dropped and the vehicle released.]"



3. In view of the aforesaid, we have put a query to the learned counsel appearing for the State that in view of the aforesaid explanation to Rule 12 A of the Rules, 2022 whether during the pendency of auction proceedings, a petition under Rule 12 A for release of vehicle on payment of penalty would be maintainable, to which the answer is in the affirmative.

4. Having regard to the fact and circumstances of the case and in view of the submission of the petitioner, to the effect that liberty be granted to the petitioner to file appropriate petition under Rule 12 A of the Rules, 2022 as amended by the Bihar Prohibition and Excise (Amendment) Rules, 2023 (hereinafter referred to as the 'Rules, 2023'), we deem it fit and proper to grant liberty to the petitioner to file appropriate petition under Rule 12 A of the Rules, 2022 as amended by the Rules, 2023.

5. It is needless to state that in case appropriate petition is filed by the petitioner under Rule 12 A of the Rules, 2022 as amended by the Rules, 2023 within a period of four weeks from today, the competent authority shall consider the same on merits and pass a reasoned and a speaking order within a period of four weeks, thereafter, in case the motorcycle in question has not been auctioned.



6. Accordingly, present writ petition stands disposed
of on the aforesaid terms.

(Mohit Kumar Shah, J)

(Alok Kumar Pandey, J)

GAURAV S./-

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