

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11022 of 2026

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Chitranjan Das S/o- Jay Mangal Das, Vill.- Tilojpur Damrapur, P.S.-
Damrapur, Dist.-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Station House Officer, Phulwariya, Distt.- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sushil Kumar
For the Respondent/s : Mr.Government Advocate (7)

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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 27-07-2026

1. Heard the parties.

2. The present writ application has been filed by the
petitioner for a direction to the respondent authorities to release
his Bolero Pick Up Van bearing Registration No. BR22GB8853,
Chasis No. MA1ZN2TNKN1B21701 & Engine No.
TNN1A41609 which was seized in connection with
Kochaikot P.S. Case No. 351 / 2025 dated 12.08.2025
registered for the offence under Section 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2022.

3. Learned counsel for the petitioner submits that the



aforesaid case was registered for recovery of 302.25 litres of Indian Make Foreign liquor from Bolero vehicle in question. The petitioner was not arrested on the spot and he was also not present at the time of seizure. The petitioner had already sold his vehicle to one Dipu Kumar Ram for a sum of Rs. 95,000/- on affidavit but sale letter was not prepared and statement to this effect has been made in paragraph nos. 15 & 16 of the writ application. The vehicle of the petitioner after seizure is lying under open sky and if the same is not released, it will reduce to junk and will loss its utility. The petitioner undertakes to produce the vehicle before the court as and when required.

4. On the other hand, learned counsel for the State submits that the Bolero Pick Up Van in question was indulged in 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 Bolero Pick Up Van 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 Rule 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.

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, Gopalganj 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 if confiscation proceeding / appeal / revision has not been concluded and the vehicle has not already been auctioned.

(Anil Kumar Sinha, J)

(Vikash Kumar, J)

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