

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10316 of 2026

=====

Santosh Kumar Jha Son of Chandra Kishor Jha, Resident of Village- Harpur Beni, P.O.- Rupauli, P.S.- Jaintpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Sitamarhi, Bihar.
4. The Superintendent of Police, Muzaffarpur, Bihar.
5. The Superintendent of Police, Sitamarhi, Bihar.
6. The Superintendent of Excise, Sitamarhi, Bihar.
7. The S.H.O., Muzaffarpur Town Police Station, Muzaffarpur, Bihar.
8. The S.H.O., Sursand Police Station, Sitamarhi, Bihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.
For the Respondent/s : Mr. K.P. Gupta, GP 10
Ms. Deepanjali Gupta, AC to GP 10

=====

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

(Per: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA)

2 21-07-2026 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 Hero Splendor + Motorcycle bearing Registration No. BR06CT/5948, Chasis No. MBLHAW128MHG38784 & Engine No. HA11EDMHG17656 which was seized in connection with Surand P.S. Case No. 94 / 2026 registered for



the offence under Section 317(5) of the B.N.S. and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The brief facts of the case is that the petitioner's Hero Splendor + motorcycle bearing bearing Registration No. BR06CT / 5948, Chasis No. MBLHAW128MHG38784 & Engine No. HA11EDMHG17656 was stolen at 2:30 to 3:00 P.M. on 17.02.2026 from Saraiyaganj Tower Market, Muzaffarpur leading to registration of F.I.R. regarding theft of motorcycle bearing Muzaffarpur Town P.S. Case No. 127 / 2026 dated 20.02.2026. The petitioner subsequently came to know that his motorcycle has been seized in connection with Sursand P.S. Case No. 94 / 2026 dated 20.02.2026 under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 from which allegedly 162 liters of Nepali Soufi wine was recovered.

4. Learned counsel for the petitioner submits that the aforesaid case was registered for recovery of 162 liters of Nepali Soufi liquor from the motorcycle in question. He further submits that since the motorcycle of the petitioner had been stolen prior to the day on which the same was seized by the Police in connection with Excise Act case and the name of the petitioner does not find place in the F.I.R. bearing Sursand P.S. Case No.



94 / 2026 as such it cannot be said that there was consent of the petitioner in the crime or connivance on his part. He next submits that petitioner is the bona fide owner of the motorcycle and he was not arrested on the spot and also not present at the time of seizure. 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 that he would not change the shape and size of the vehicle in question and he would also not sell it thereby creating any third party interest and he would produce the vehicle before the court as and when required.

5. On the other hand, learned counsel for the State submits that the Hero Splendor + motorcycle 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 motorcycle 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.

6. 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.

7. 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, Sitamarhi, Bihar 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 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)

praful/-

U			
---	--	--	--

(Vikash Kumar, J)

