

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10933 of 2026

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Rakesh Kumar Son of Basudev Yadav Resident of Village- Bumuar, P.S.-
Manpur, Dist.-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Home Bihar, Old Secretariat Patna.
3. The Principal Secretary, Department of Excise, Bihar old Secretariat Patna.
4. The Collector cum District Magistrate, Gaya.
5. The Superintendent of Police, Gaya.
6. The Excise Superintendent, Gaya.
7. The Circle Officer, Nimchak Bathani, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pushp Raj Singh
For the Respondent/s : Mr. Anant Pd Singh, Standing Counsel (15)
Mrs. Deepika Sharma, AC to SC 15

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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 Maruti Suzuki Vitara Brezza Car bearing Registration No. JH-05CN-7780 , Chasis No. MA3NYFB1SKJ583033 & Engine No. D13A5860634 which was seized in connection with Excise P.S. Case No. 1446 / 2025 dated 26.11.2025 registered for the offence under Section 30(a), 32(3) 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 225 litres of Indian Make Foreign liquor from the dickey of the car in question. He further submits that petitioner is the bona fide owner of the vehicle and he was not arrested on the spot and also not present at the time of seizure. The vehicle in question was being driven by his driver and the driver managed to flee away. The petitioner had no knowledge regarding transportation of illicit liquor on the car by his driver. 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 Maruti Suzuki Vitara Brezza Car of the petitioner 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 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 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 / Collector cum District Magistrate, Gaya 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)

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(Vikash Kumar, J)

