

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19386 of 2025

Manjay Kumar S/o Rakshya Sahni, R/o Village - Bherihari, Sapaha, P.S-
Sugauli, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna.
2. The Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna.
3. The Additional Chief Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna.
4. The Excise Commissioner, Bihar Prohibition and Excise Department, Bihar, Patna.
5. The District Collector, Motihari, East Champaran.
6. The Additional Collector, Motihari, East Champaran.
7. The Superintendent of Police, Motihari, East Champaran.
8. The Superintendent of Excise Department, Motihari, East Champaran.
9. The Station House Officer, Lakhura Police Station, Motihari, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Samir Kumar, Advocate
For the Respondent/s : Government Pleader (3)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

3 16-02-2026 The present writ petition has been filed for directing the respondents to release the red coloured TVS company REDEON/Disc Brake BSVI motorcycle of the petitioner bearing Chassis No. MD625BK22P1L03864 and Engine No. BR2LP1903871, which has been seized in connection with



Lakhaura P.S. Case No. 216 of 2024 dated 17.12.2024, registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 against five persons including the petitioner herein on account of recovery of 50 litres of illicit country made liquor from the motorcycle of the petitioner.

2. At the outset the Ld. Counsel for the petitioner seeks liberty on behalf of the petitioner for filing appropriate application under Rule 12A of the Bihar Prohibition and Excise (Amendment) Rules, 2023 (hereinafter referred to as the Rules, 2023) for release of the aforesaid motorcycle in question upon payment of penalty, however submits that the competent authority be directed to dispose off the same within a stipulated time frame.

3. *Per contra*, the Ld. Counsel for the respondent-State has no objection in case the petitioner files an application under Rule 12A of the Rules, 2023.

4. Having regard to the facts and circumstances of the case, we deem it fit and proper to grant liberty to the petitioner to file appropriate application under Rule 12A of the Rules, 2023 and in case such an application is filed within a period of three weeks from today, the competent authority shall examine the same on merits and pass a reasoned and a speaking order, in accordance with law, within a period of four weeks thereafter.



5. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

(Sunil Dutta Mishra, J)

S.Sb/-

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