IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16681 of 2026

CNR No. BRHC011018422026

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Sarvjeet Kumar Mali @ Sarvjit Kumar S/o Prithvi Kumar Mali, R/o Rasulpur, Post- Rasualpur Chatti, District- Saran, Bihar.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
3. The additional chief secretary, Department of Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
4. The Excise Commissioner, Bihar Prohibition and Excise Department, Government of Bihar, Patna.
5. The District Collector, Saran, Chhapra.
6. The Additional District Collector, Saran, Chhapra.
7. The Superintendent of Police, Saran, Chhapra.
8. The Superintendent of Excise Department, Saran, Chhapra.
9. The SHO, Excise P.S. Manjhi, District Saran, Bihar.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Amar Alam
For the Respondent/s : Mr. Standing Counsel (12)

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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 30-10-2026 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 Plus Motorcycle, bearing Registration No. BR29BC8409, Chassis No. MBLHAW23XRHJ54787, Engine No. HA11E8RHJ41387, which was seized and confiscated in

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connection with Manjhi P.S. Case No. 99 of 2025 instituted 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 129.60 litres of foreign liquor from the Hero Splendor Plus Motorcycle of the petitioner bearing registration no. BR29BC8409. He next submits that petitioner is the bona fide owner of the vehicle in question. He further submits that he was not present at the place of occurrence and was also not named or arrested as an accused in Manjhi P.S. Case No. 99 of 2025. The vehicle of the petitioner is lying under open sky in the campus of the Police Station and it is very likely that the same will decay due to rain, sun and dust. The petitioner undertakes to produce the vehicle in question before the court as and when required by the court.

4. On the other hand, learned counsel for the State submits that the vehicle 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 confiscated vide order dated 08.07.2025 of A.D.M., Saran at Chapra. He further submits that there is

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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 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.

6. It is made clear that if such an application is filed by the petitioner in Form-IV, the Confiscating Authority / District Magistrate-cum-Collector, Saran, Chapra, 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 the vehicle has not already been auctioned.

(Anil Kumar Sinha, J)

(Vikash Kumar, J)

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