IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16699 of 2026

In

Criminal Writ Jurisdiction Case No.1389 of 2026

CNR No. BRHC011089522026

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Golu Kumar Son of Rajeshwar Prasad, Resident of Village - Tajpur, Police Station - Manjhi, District - Saran.

... ... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna, Bihar.
2. The Additional Commissioner, State of Bihar, Patna.
3. The Additional Commissioner, Excise, State of Bihar, Patna.
4. The Excise Superintendent, Saran at Chapra.
5. The Excise Deputy Superintendent, Saran at Chapra.
6. The Sub Inspector, Excise, Saran at Chapra.
7. The District Magistrate, Saran at Chapra.
8. The Additional District Magistrate, Special Court, Excise, Saran at Chapra.
9. The Officer In-charge of Manjhi Police Station, Saran at Chapra.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Ajay Kr Singh No.1
For the Respondent/s : Mr. Standing Counsel (07)

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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)

3 30-10-2026 **1.** Heard learned counsel for the petitioner and learned counsel for the State.

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2. The present writ application has been filed for a direction to the respondent-authorities to set aside the confiscation order, bearing Excise Confiscation Case No. 685 of 2025, dated 23.02.2026, passed by learned Additional District Magistrate, Saran at Chapra, and release the vehicle, Bajaj RE tempo, of the petitioner, bearing Registration No. BR04-PA-8321 having Chassis No. MD2B94309RWJ73392 and Engine No. E30WRJ56928, which was seized in connection with Manjhi P.S. Sadar Gaya Case No. 394 of 2025, dated 12.10.2025, registered for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that the aforesaid case was registered on the allegation of recovery of 120.96 litres of foreign illicit liquor from the vehicle, in question, which was being plied on hire basis. He further submits that the petitioner is the bona fide owner of the vehicle and was neither present at the time of seizure nor had any knowledge of transportation of illicit liquor through his vehicle. The vehicle is lying in open space within the premises of the Police Station and, if not released, is likely to deteriorate due to adverse weather conditions and improper upkeep. The petitioner is ready to pay the fine as per norms of the Excise Act and

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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 vehicle of the petitioner was indulged in the transportation of illicit liquor, as such, first information report has been registered under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 and the vehicle in question was seized. 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.

6. It is made clear that if such an application is filed by the petitioner in Form-IV, the Confiscating Authority / District Magistrate, Saran at Chapra, shall dispose the same in

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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 auction has not yet been concluded.

(Anil Kumar Sinha, J)

(Vikash Kumar, J)

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