

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 18943 of 2025

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Dharu Yadav @ Dharo Yadav @ Rishikesh Kumar Son of Rajendra Yadav,
Resident of Village-Bahera, P.S.-Fatehpur, District-Gaya (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Divisional Commissioner, Gaya.
3. Collector cum District Magistrate, Gaya.
4. The Superintendent of Police, Gaya.
5. The Investigating Officer, Fatehpur P.S. Gaya.
6. The S.H.O., Fatehpur, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Akash Shankar, Advocate
Mr. Raj Kumar, Advocate
Ms. Nausheen Fatma, Advocate
Ms. Archana Kushwaha, Advocate
For the Respondent/s : Mr.Addl. Advocate General (04)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

5 07-04-2026 The present writ petition has been filed for release

of Mahindra Scorpio vehicle bearing Registration
No.BRO1FZ9297, Engine No.YSP4A69844, Chassis
No.MA1TA2YS2P2A15083, which has been seized in
connection with Fatehpur Excise P.S. Case No.304 of 2025,
registered under Sections 30(a) and 37 of the Bihar Prohibition



and Excise Act, 2022 (amended) on account of recovery of 2.5 litres of illicit can beer.

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to file 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 vehicle in question upon payment of penalty. Liberty so sought is granted.

3. It is needless to state that in case appropriate application is filed by the petitioner under Rule 12A of the Rules, 2023 for release of the vehicle in question, within a period of two weeks from today, the competent authority/authorised officer shall consider the same on merits and pass a reasoned and a speaking order in accordance with law within a period of four weeks, thereafter.

4. Nonetheless, it is directed that the confiscation proceedings initiated by the Assistant Commissioner (Prohibition), Gaya Jee, vide Excise Confiscation Case No.529 of 2025 shall not be proceeded with till the disposal of the application to be filed by the petitioner for release of the vehicle in question, in case the same is filed within a period of two weeks from today.



5. Accordingly, the writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

(Arun Kumar Jha, J)

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