

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20751 of 2025

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Brjesh Kumar Pandey Son of Baliram Pandey, Resident of Village/Mohalla-Parariya, Police Station-Muffsil, District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Patna (Bihar).
2. The Commissioner Excise Department, Patna, Bihar.
3. The Commissioner Saran Division, Gopalganj, (Bihar).
4. The Collector cum District Magistrate, Gopalganj, (Bihar).
5. The Officer in Charge, Excise Police Station, Gopalganj, (Bihar).
6. District Transport Officer, Excise Department, Gopalganj, (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Adv
For the Respondent/s : Mr. Standing Counsel (01)

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

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

2 12-01-2026 The present writ petition has been filed for directing the respondents authorities to release WagonR bearing Registration No. BR01HV0594, Engine No. K10CNC539229 and Chasis No. MA3JMTB1SRBA69855 which has been seized on account of recovery of illicit liquor in connection with Kateya P.S. Case No. 313 of 2025 dated 10.06.2025, registered under Sections 317(5) and 3(5) of the B.N.S., 2023 and Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Amendment Act, 2016.



2. Learned counsel for the petitioner has submitted that though the vehicle in question belongs to the petitioner and it is alleged that from the said vehicle 246.72 litres of illicit foreign liquor was recovered, however the actual fact is that he had given the car on rent to a driver and it is during the course thereof that the police had seized the vehicle with the illicit foreign liquor. Nonetheless, it is submitted that the petitioner be granted liberty to file appropriate petition under Rule 12A of the Bihar Prohibition and Excise (Amendment) Rules, 2023 (hereinafter referred to as the Rules, 2023).

3. Learned counsel for the Respondents-State submits that though he has got no objection to the aforesaid submission made by the learned counsel for the petitioner, however in case appropriate petition is filed by the petitioner under Rule 12A of the Rules, 2023, the same shall definitely be considered in accordance with law and disposed of within a stipulated time frame as is fixed by this Court, in case the confiscation proceedings have not been concluded.

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 petition under Rule 12A of the Rules, 2023, and in case such a petition is filed within a period of two weeks



from today, the learned Collector, Gopalganj, shall pass a reasoned and a speaking order in accordance with law within a period of four weeks, thereafter.

5. Accordingly, the present writ stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

(Praveen Kumar, J)

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