

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20997 of 2025

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Surjeet Kumar Son of Late Kundan Sain, Resident of Village- Katedi, P.S.- Rohru, Distt-Shimla, State- Himachal Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Prohibition and Registration Department, Government of Bihar, Patna.
2. The Deputy Secretary, Excise, Prohibition and Registration Department, Government of Bihar, Patna.
3. The Collector, Gopalganj, District- Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Sub Inspector Excise P.S., District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Priya Raj, Advocate
For the State	:	Mr. Jitendra Kumar Roy-1, SC-13
		Mrs. Usha Kumari Singh, AC to SC-13

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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 19-01-2026 The present writ petition has been filed for directing the respondents authorities to release Truck Container bearing Registration No. HP63F0195, Engine No. 5LNGDICR34FWX515777 and Chasis No. MAT790009P7F12221 which has been seized on account of recovery of illicit liquor in connection with Gopalganj Excise P.S. Case No. 805 of 2025 dated 04.12.2025, registered under Sections 30(a) and 32 of the Bihar Prohibition and Excise 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 4006.440 litres of illicit foreign liquor was recovered, however the actual fact is that the petitioner had given the truck on rent to a driver and it is during the course thereof that the police had seized the truck container 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) for release of the said vehicle upon payment of penalty.

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 off 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 before the learned Collector, Gopalganj within a period of three weeks from today, he 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 off on the aforesaid terms.

(Mohit Kumar Shah, J)

(Praveen Kumar, J)

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