

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.702 of 2026

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Jitendra Kumar, Male, Son of Sri Subhash Prasad Ray, Resident of Walwan Tola, Police Station-Doreganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principle Secretary, Department of Excise and Registration, Patna,
2. District Magistrate-Cum-Collector, Patna
3. Senior Superintendent of Police, Patna
4. Excise Superintendent, Patna, Bihar
5. Superintendent of Police, Excise, Patna
6. Station Head Officer/Officer- in- Charge, Excise police-station, Patna
7. Investigating Officer, Excise P.S. Case No.1514/2025, Police Station-Excise, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Shekhar, Advocate
For the Respondent/s : Government Pleader 20

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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 21-01-2026 The present writ petition has been filed for directing the respondent authorities to release the boat in favour of the petitioner which has been seized on account of recovery of illicit foreign liquor and cans of beer in connection with Patna (Prohibition) P.S. Case No. 1514 of 2025 dated 07.09.2025, registered under Sections 30(a), 41 and 56(b) of the Bihar Prohibition and Excise Act, 2016.

2. Learned counsel for the petitioner submits that



though the boat in question belongs to the petitioner, however it is alleged that from the said boat 411.840 litres of illicit foreign liquor and cans of beer have been recovered but the actual fact is that in the evening of 06.09.2025 the petitioner had moored the boat on the riverbank of *Gangaji* near Chhitnawa Village under Maner Police Station and had left for his residence, whereafter on the next day when he came back, he could not find his boat and upon enquiry, he came to know that his boat had been seized by police personnel.

3. Thus, the learned counsel for the petitioner submits that the boat was moored at the riverbank in an open place, which is easily accessible to others and during seizure of the boat the petitioner was not present at the place of occurrence, hence 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 boat upon payment of penalty.

4. *Per contra*, the learned counsel for the Respondents-State submits that though he has got no objection to the aforesaid submissions 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.

5. 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 District Magistrate-cum-Collector, Patna 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.

6. Accordingly, the present writ stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

(Praveen Kumar, J)

GAURAV S./-

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