

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13596 of 2025

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Ram Naresh Yadav, S/o Bhrigurasan Yadav, R/o Village- Sumeri Chhapar,
Jagtauli, P.S.- Bhore District- Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Officer In-Charge, Phulwariya Police Station, Gopalganj, District-
Gopalganj.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla, Advocate
For the Respondent/s : Mr. Mahtab Alam, AC to SC-20

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

and

HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date : 20-11-2025

Heard learned counsel for the petitioner and learned AC
to SC-20 for the State.

2. Learned counsel for the petitioner submits that in this
case, the vehicle, namely, Hero Splendor Motorcycle bearing
Registration No. BR-28AB-5475, Chassis No.
MBLHAW170NHNK47588 and Engine No. HA11EANHNK62497
has been seized in connection with Phulwariya P.S. Case No. 329
of 2024 dated 07.12.2024 registered under Section 30(a) of Bihar
Excise and Prohibition Act, 2022. Allegedly, 14 litres of liquors
have been seized being transported by the vehicle.



3. Learned counsel submits that in fact, the liquors were recovered from the possession of one Dinesh Kumar Chauhan and in such circumstance, in view of the judgments of this Court, the vehicle may not be seized or confiscated.

4. It is further submitted that till date, confiscation proceeding has not been initiated and the vehicle is lying uncared and is losing its road worthiness everyday, therefore, an order for release may be passed.

5. On the other hand, learned AC to SC-20 for the State submits that the petitioner may approach the District Magistrate, Gopalganj with an appropriate application seeking release of the vehicle. If no confiscation proceeding is found pending before the District Magistrate, Gopalganj, keeping in view the order of the Hon'ble Division Bench of this Court in **CWJC No. 7612 of 2019 (Rajesh Giri Vs. The State of Bihar and Others)** (Annexure '3' to the writ application), the District Magistrate shall pass an appropriate order for release. It is also submitted that in case, any confiscation proceeding is found pending, the petitioner may seek his remedy in terms of Rule 12A of the Bihar Prohibition and Excise Rules, 2021 (as amended vide Amendment Rules, 2022) (hereinafter referred to as the 'Rules of 2021 (as amended)').



6. Having regard to the aforementioned submissions, this writ application is being disposed of with liberty to the petitioner to file an appropriate application before the District Magistrate, Gopalganj seeking release of the vehicle in question. On the receipt of such an application, the District Magistrate, Gopalganj shall pass an appropriate order keeping in view the judgment of this Court in case of **Rajesh Giri** (supra). In case, any confiscation proceeding is found pending, he will consider the request of the petitioner for release in terms of Rule 12A of the Rules of 2021 (as amended). Such order shall be passed within a period of one month from the date of filing of the application.

7. This writ application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

lekhi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.11.2025
Transmission Date	NA

