



2025:PATHC:108596-DB

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18870 of 2025

Pankaj Kumar Son of Lal Babu Singh, Resident of Village- Kolhai Baruna,
P.S. Nauhatta, District- Rohtas.

... .. Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Rohtas, Bihar.
3. The Superintendent of Police, Rohtas, Bihar.
4. The S.H.O., Rohtas Police Station, Rohtas.
5. The Investigating Officer, Rohtas Police Station, Rohtas.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Rajesh Kumar Singh, Advocate
For the Respondents	:	Mr. Ajay, G.A.-5
		Mr. P.K. Sinha, Advocate
		Ms. Nivedita Chaudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 09-12-2025 Heard learned counsel for the petitioner and learned
Government Advocate No.5 for the State of Bihar.

2. The petitioner in this writ application seeks a writ in the nature of writ of *mandamus* directing the respondents to release the Pick-up Bolero Car, registration no. BR-02GB-7470, which has been seized in connection with Rohtas P.S. Case No. 398 of 2024, registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (as amended up to date) (hereinafter referred to as 'the Act').

3. It is stated that two liters of country made *Mahua*





wine has been seized and a seizure list in this connection has been prepared.

4. It appears that under some wrong legal advice, the petitioner earlier moved before the learned In-charge Exclusive Special Judge Excise-2, Rohtas at Sasaram, for release of the vehicle. The learned In-charge Exclusive Special Judge Excise-2, Rohtas at Sasaram, rejected the application, and rightly so, on the ground that it has no jurisdiction to make any order with regard to the release of the property seized under Section 60 of the Act.

5. At this stage, we find from the records that the petitioner has already filed an application in prescribed Form-IV in terms of Rule 12A of the Bihar Prohibition and Excise Rules, 2021 (as amended up to date) (hereinafter referred to as 'the Rules') before the competent authority, i.e., the respondent No.2.

6. Mr. Ajay, learned Government Advocate No.5, has, on instruction, informed this Court that no confiscation proceeding has been initiated for confiscation of the vehicle in question. Learned counsel has further assured this Court that the respondent No.2 shall pass an appropriate order on the application for release of the vehicle within a reasonable period.





7. Having regard to the aforementioned facts and circumstances appearing from the record and the assurance given to this Court that respondent No.2 shall pass appropriate order within a reasonable period, we direct the respondent No.2 to consider the request of the petitioner for release of the vehicle in terms with Rule 12A of the Rules and pass appropriate order within one month from the date of receipt/production of a copy of this order.

8. The writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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