

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.3 of 2021**

Arising Out of PS. Case No.-17 Year-2019 Thana- BACHHWARA RAIL P.S. District-  
Begusarai

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Vishwanath Kumar Son of Lalbabu Das Resident of Ward No. 3, Narepur  
West, P.S. - Bachhwara, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Excise Deptt., Govt. of Bihar, Patna. Bihar
2. The District Magistrate-cum- Collector, Begusarai. Bihar
3. The Superintendent of Police, Begusarai. Bihar
4. The S.H.O., Rail Bachhwara Police Station, Begusarai. Bihar
5. The Investigating officer, Bachhwara P.S. Case No. 17 of 2019 Rail Bachhwara Police Station, Begusarai. Bihar

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Anuj Kumar, Adv.  
For the Respondent/s : AC to AG

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

2      09-09-2021                      Heard learned counsel for the parties through video conferencing.

The instant writ application has been filed for the following reliefs:

*“1. That this is an application for issuance of a writ:*

*A. A writ in the nature of CERTIORARI or any other appropriate writ/s, order/s direction/s*

*quashing the following:-*

*i.      The order dated 10.07.2020 passed by Learned Addl. Sessions Judge 2<sup>nd</sup> -cum-Special Judge, Excise Act, Begusarai passed in Rail Bachhwara P.S. Case No. 17 of 2019 whereby*



*and where under the learned Court below has pleased to reject the prayer of the petitioner to release the Yamaha Motorcycle bearing Reg.No.BR09N-3299, Chassis No.ME14550 DE2003923, Engine No.1455D003983 and Vivo Mobile bearing SIM No.7004192406, IMEI No.860398046904097, 860398046904089 which have been seized in Rail Bachhwara P.S. Case no.17 of 2019 registered under sections 30(a) of the Bihar Prohibition & Excise Act, 2016 by the Respondent No.5.*

*B. A writ in the nature of MANDAMUS or any other appropriate writ/s, order/s directing the Respondent Authorities the following:-*

- i. To release the Yamaha Motorcycle and Vivo Mobile of the Petitioner seized in Rail Bachhwara P.S. Case No.17 of 2019 and waiting confiscation.*
- ii. To hold that the actions of the Respondent Authorities are not tenable in the eye of law and violation of Article 300A of the constitution of India.*
- iii. To hold that the actions of the Respondent Authorities amounts to double jeopardy.*

*C. To any other relief/s to which the Petitioner is found entitled to.”*

Having heard learned counsel for the parties, the application is disposed of in terms of the judgment dated 10.6.2021 of Division Bench of this Court passed in *C.W.J.C.*



*no.7281 of 2021 (Sanjay Ra versus State of Bihar and Ors.).*

The writ application stands disposed.

**(Partha Sarthy, J)**

Bibhash/-

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