

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1604 of 2023

Jafar Imam Khan Son of Umarshid Khan, resident of Village- Nainghat,
Bhalpatti, P.S.- Sadar, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Bihar Prohibition and Excise, Government of Bihar, Patna.
2. The Collector-Cum- District Magistrate, Patna.
3. The Superintendent of Police, Patna City, Patna.
4. The Superintendent of Excise, Patna.
5. The Officer In Charge, Mehandiganj Police Station, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Kumar, Advocate
For the Respondent/s	:	Mr.Vivek Prasad (Gp 7) Ms.Supragya, Ac to Gp7

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

6 20-07-2023 In the instant petition, petitioner has prayed for the
following relief(s):-

*“(A) A writ in the nature
of mandamus or any other
appropriate writ, order/s direction
commanding the respondents for
the following reliefs:-*

*(I) To release the
Mahindra Scorpio S5 bearing
registration No. BR01PM1241,
Engine No. XMM4C14662,
Chassis No.
MA1TA2XM2M2C33171 which
has been seized by S.H.O.*



*Mehnadiganj Police Station,
District- Patna in connection with
Mehandiganj P.S. Case No. 197/22
dt 12-12-2022 for offences under
section 37/30(a) of Bihar
Prohibition Act 2022 which has
been forwarded to the court of
learned Special Judge, Excise,
Patnacity.*

*(B) To any other
relief/reliefs for which the
petitioner is entitled in the facts
and circumstances of the case.”*

2. On 25.04.2023, the petitioner has already got final relief in the form of interim relief. Therefore, the present petition does not survive for consideration.

3. However, the concerned respondent is hereby directed to examine whether the release of vehicle could be with reference to security bonds or is there any provision of law. If any other provision of law is available for release of vehicle like security deposit in that event the concerned respondent shall proceed to invoke the relevant rule demanding security deposit instead of security bond. Concerned authority is hereby directed to examine Rule 12A of the Bihar Prohibition & Excise Rules, 2021 read with Bihar Prohibition & Excise (Amendment) Rules, 2023.

4. The above exercise shall be completed within a period of two months from the date of receipt of this order.



5. Accordingly, the present petition stands disposed
of.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

abhishekk/-

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