

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14234 of 2023

Swami Maharaj @ Maharaj S/o Late Mangal R/o Village-Sikarahata, P.O.-
Sohanpur, P.S.-Bankatta, District-Deoria (Uttar Pradesh).

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla
For the Respondent/s : Mr. Vikash Kumar (Sc11)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

4 09-11-2023 None appears on behalf of the petitioner.

2. Petitioner has prayed for the following reliefs.

For issuance of appropriate writ in the nature of Mandamus directing the respondent authorities to release the vehicle HF Deluxe (13S-SELF-DR Wheel base UM-CAST) bearing Registration No. UP-52AW9995, Chassis No. MBLHAR239JHG06575 and Engine No. HA11ENJHG03362 of the petitioner which has been seized by the respondent police of Manjhagarh P.S. in case No. 239/2022 dated 06.08.2022 registered U/S 30 (a) of Bihar Excise and Prohibition Act, 2018 in favour of the petitioner or his representative, the vehicle in



question has been seized with allegation that, the 75 litres of liquor has been recovered from the said Motorcycle. The case is pending in the court of learned Additional District and Sessions Judge 2nd cum Special Judge Excise, Court No. 1, Gopalganj. The vehicle of the petitioner is lying in the Manjhagarh police station premises.

(b) For the issuance of any other relief/reliefs to which the petitioner may be found entitled, in the present facts and circumstances of the case in favour of the petitioner.

3. On 03.11.2023 the following order was passed.

“The Superintendent of Police, Gopalganj is hereby directed to make all necessary arrangements for release of the petitioner’s vehicle subject to outcome of confiscation proceedings. It is learned that there is inaction on the part of the police department in not informing or communicating to the concerned District Magistrate to take up confiscation proceedings read with the petitioner’s appearance. Even after more than one year confiscation proceeding has not attained finality, therefore, he is hereby directed to release the subject matter of motor vehicle subject to the outcome of confiscation proceeding within two days from today, failing which Senior Superintendent of Police, Gopalganj is hereby directed to appear in person on the next date of hearing.”

4. Today, learned counsel for the State on instruction



submitted that on 05.11.2023 the subject matter of motor vehicle has been released in favour of the petitioner. Therefore, the present petition does not survive for consideration.

5. Accordingly, the present writ petition stands disposed of. Disposal of the present petition would not be a hurdle for the respondents to take further action if any, in accordance with law.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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