

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6947 of 2024

Md. Naimuddin Ansari S/o Md. Israil Village - Changosinga, Post - Kubri,
P.S.- Dhanwar, District - Giridih, Pincode - 825412 (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Patna.
2. The District Magistrate cum Collector, Nawada.
3. The Additional District Collector cum District Magistrate, Nawada.
4. The Senior Superintendent of Police, Nawada.
5. The Superintendent of Police, Excise and Prohibition, Nawada.
6. The SHO/Office in Charge, Police Station - Nemdarganj, Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sailesh Kumar
For the Respondent/s : Mr.Standing Counsel 24

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 15-05-2024

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

That this is an application for the release of vehicle Motorcycle Model No. CB125-SHINE SP, bearing Registration No. JH11Y2901 Engine No. JC73ET-2161053 and Chechis No. - ME4JC737JHT087227 is owner of the petitioner, which has been seized by Police in connection with Nemdarganj P.S. Case No.- 288/2023 dated 16.10.2023 registered under section 30(a) of Bihar Prohibition and Excise Act, 2016.

And to pass such other order or



orders as your lordships may be deem fit and proper under the facts and circumstances of the case.

2. On order dated 24.04.2024, we have passed the following order:-

The District Magistrate-cum-Collector, Nawada or the competent authority is hereby directed to examine as to why the petitioner's subject matter of vehicle bearing Registration No.- JH11Y2901-Motorcycle has not been released with reference to the fact that there is already P.S., District-Nawada. For these many years, the District Magistrate, Nawada, has not verified the genuineness of P.S. Case No. 244 of 2023 filed in P.S. Akbarpur, District-Nawada so as to release the subject matter of vehicle. In this regard, he is hereby directed to verify the factual aspect of the matter and proceed to release the subject matter of vehicle while taking bank guarantee from the petitioner. The above exercise shall be completed within a period of three weeks from today.

2. Re-list this matter on 15.05.2024.

3. Today, learned counsel for the respondent has filed counter-affidavit in which they have admitted insofar as releasing the subject matter of vehicle. The respondents have seized the subject matter of vehicle and unnecessarily for more than six months petitioner was harassed and compelling in filing writ petition also. Therefore, the petitioner is entitled to litigation cost and it is quantified @ Rs. 5,000/-. Cost shall be paid to the



petitioner within a period of eight weeks from the receipt of this order.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

Krishnakant/-
Amit

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.05.2024
Transmission Date	NA

