

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11072 of 2024

Sandhya Kumari Daughter of Satendra Pal, Resident of Village- Saleya Tola,
Police Station- Akorhigola, District- Rohtas. Petitioner/s

Versus

1. The State of Bihar through the Excise Commissioner, Bihar, Patna.
2. The District Magistrate-cum-Collector, Rohtas.
3. The Superintendent of Police, Rohtas.
4. The Officer-in-Charge, Chenari Police Station- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kumar, Advocate
For the Respondent/s : Mr.Anil Kumar Singh, GA-6

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

2 25-07-2024 In the instant petition, petitioner has prayed for the
following relief:-

(i) For issuance of an appropriate writ/s, direction/s, order/s in the nature of Mandamus for commanding the respondent/s to release the motorcycle Hero Splendour Plus bearing registration no. BR24AC 3897, Chechis No. MBLHAW12XLHB00893, Engine No.- HA11EYLHB00791, seized by the respondent/s in connection with Chenari P.S. Case No. 36/2024 registered on 11.02.2024 under Section 30(a) Bihar Prohibition and Excise Amendment Act 2018/2022, in favour of the petitioner.

(ii) Any other relief/s for which the petitioner may found entitle by this Hon'ble Court.

2. Gist of the matter is that petitioner's vehicle



registration no. BR24AC 3897 was involved for the offences under Excise Act while carrying 750 ml Royal Challenge Premier Deluxe Whisky.

3. Having regard to the alleged fact that 750 ml of liquor has been seized alongwith motorcycle. Instead of subjecting petitioner for confiscation proceedings and if there are any adverse order in confiscation proceedings petitioner has to resort for appeal and revision and further litigation before this Court. We thought of give quietus to the litigation while exercising extraordinary jurisdiction under Article 226 of the Constitution. The concerned respondents are hereby directed to collect a sum of Rs. 5,000/- towards fine and release subject matter of vehicle within period of one week from today after due verification of the vehicle records. This order would not come in the way of criminal proceedings which is pending consideration before the jurisdictional criminal court.

4. With the above observation, the present C.W.J.C. No. 11072 of 2024 stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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