

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12599 of 2024

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Rajnarayan Sharma son of Late Kailash Sharma, resident of Mohalla-
Premganj, P.S.-Lalganj, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Excise and Registration, Government of Bihar, Patna.
2. The Confiscating Authority cum District Magistrate, Vaishali at Hajipur.
3. The Superintendent of Police, Vaishali at Hajipur.
4. The Station House Officer (SHO), Industrial Police Station, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate
For the Respondent/s : Mr.Ramadhar Singh, GP25

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

Date : 05-09-2024

Mr. *Rajesh Kumar, S.H.O, Industrial Police*
Station, Vaishali is present in the Court.

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

*“That the present writ
petition is being filed far issuance of
appropriate writ / writs, order / orders,
directing the respondents authorities to
release the petitioner Maruti Swift Car
bearing Registration No. BR31AL-2991,
Chasis No. MBHCZC63SLA553060,*



Engine No. K12MP1178970 seized in connection with the Industrial Area P.S. Case No. 159/2023 dated 22.11.2023 registered u/s 341, 323, 324, 354, 427, 504, 506, 34 of the I.P.C. and 37(C) of the Bihar Prohibition and Excise (Amendment) Act, 2018.”

3. On 31.08.2024, we have passed the following order:-

“4th Respondent-S.H.O, Industrial Police Station, Vaishali, shall be present in the Court along with the complete records on the next date of hearing for the reasons that prima facie there is no seizure of liquor in such circumstances how the vehicle could be seized?

2. Re-list this matter on 05.09.2024.”

4. Undisputed facts are that subject matter of vehicle has been seized without there being any recovery of liquor from the subject matter of vehicle. On the other hand, the alleged allegation against the petitioner's son is that he had consumed liquor and he was subjected to breath analyzer test in which it was found that he had consumed liquor. On that score, the respondent cannot seize the subject matter of vehicle. At the



best, they can initiate proceedings under particular statute. Therefore, the respondents are hereby directed to release the subject matter of vehicle in favour of the petitioner within a period of two days after due of the verification of the documents of the subject matter of vehicle.

5. With the above observation, writ petition stands disposed of.

6. Initiation of any other proceedings insofar as alleged consumption of liquor is concerned, it is left open to the respondents.

7. Personal appearance of Mr. *Rajesh Kumar, S.H.O, Industrial Police Station, Vaishali* stands dispensed till further orders.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06.09.2024.
Transmission Date	N/A

