

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17781 of 2023

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Rakesh Kumar Shrivastav Son of Shivnath Lal Prasad Resident of village -
Bhojpurwa, Police Station - Manjagarh, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Prohibition and Excise, Government of Bihar, Patna.
2. The Collector/District Magistrate, Gopalganj, District- Gopalganj.
3. The Excise Superintendent, Gopalganj District- Gopalganj.
4. The Superintendent of Police, Gopalganj District- Gopalganj.
5. The Officer-in-Charge of Gopalganj Town Police Station, Police Station- Gopalganj District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Singh, Advocate
For the Respondent/s	:	Mr. Kameshwar Pd. Gupta, G.P.10
		Mr. Virendra Kuar, A.C. to G.P. 10

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

ORAL ORDER

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

5 19-01-2024 In the instant petition, petitioner has prayed for the

following reliefs:

(i) An appropriate writ in the nature of Mandamus directing the respondents to release the Scorpio bearing registration no. BR 28 AA 7332 Chassis no. MA1TA2XM2N2C39241 Engine No. XMN4C14702 and Rs. Three lakhs, which is seized and registered the case bearing Gopalganj Town police station case no. 104 of 2023 under Sections 48 and 52 of Bihar Prohibition and Excise Amendment Act 2022.



(ii) Any other writ / writs, order / orders or direction / directions as the facts and circumstances of the case may require and deemed fit by this Hon'ble Court may also be issued.

2. On 15.01.2024 the following order was passed.

Learned counsel for the respondent on instruction submitted that no liquor has been seized from subject matter of motor vehicle. It is only a hearsay evidence that subject matter vehicle is stated to have utilized for the purpose of transportation of illegal liquor.

2. Learned counsel for the State has not pointed out any specific provision in respect of seizure of the vehicle in which illegal liquor was not found. Therefore, the Investigating Officer is hereby directed to release the subject matter motor vehicle within two days failing which adverse order would be passed against the Investigating Officer.

3. Relist this matter on Thursday i.e. on 18.01.2024.

3. Today learned counsel for the respective parties submitted on instruction that subject matter motor vehicle is stated to have been released in favour of petitioner Rakesh Kumar Shrivastav.

4. Learned counsel for the petitioner submitted that cash of Rs. 3,00,000/- is stated to have been seized. In that regard, petitioner or whoever possessing such a huge amount is



permitted to agitate before the appropriate forum in establishing that such a seized cash material was drawn from a particular bank or what is the mode of transaction or such a huge amount. Was it genuine or not? If necessary materials are placed before the competent authority, in that event the competent authority is permitted to examine and redress the grievance of the petitioner, at the earliest but not later than 3 months.

5. Accordingly, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

saaurabhkr/-

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