

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17918 of 2024

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Nishant Kumar Son of Anant Singh Resident of Village- Madrauni Police
Station Rangra, O.P.-District- Bhagalpur. Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Bhagalpur.
4. The Excise Superintendent, Bhagalpur.
5. The Senior Superintendent of Police, Bhagalpur.
6. The S.H.O. Gopalpur Rangra O.P. District-Bhagalpur.
7. Superintendent of Police Naugachia, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar

For the Respondent/s : Mr. Standing Counsel (23)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

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

4 16-12-2024 In the instant petition, the petitioner has prayed for
the following reliefs:-

*“That the petitioner by invoking
extra-ordinary writ jurisdiction of this
Hon’ble Court seeks indulgence and prays
for issuance of an appropriate
writ/order/direction commanding upon the
concerned Respondents specially respondent
no. 6 the S.H.O. gopalpur Rangra O.P. to
release the vehicle bearing Registration No.
Br-10AG-4371 (white colour) which has
been seized in connection with Gopalpur
(Rangra) P.S. Case No. 393/2023 in favour
of the petitioner and also to quash the order
dated 02.09.2024 passed by Ixth Additional
District and Sessions Judge-cum-Special
Judge, Excise-I, Bhagalpur in Gopalpur
(Rangra) P.S. Case No. 393/2023 by which
prayer for release of said vehicle in favour of
the petitioner has been rejected on the*



*ground that same is not maintainable
contained in Annexure-3.”*

2. Respondents have filed counter affidavit in which they have stated that the subject matter vehicle has been released in favour of the petitioner. It is undisputed fact that no liquor has been seized from the subject matter vehicle on the other hand they have unnecessarily registered case for the offences under Excise Act. Thus, the petitioner has been harassed from 25.08.2023 till release of the subject matter vehicle and so also compelling him to file the present petition and undergone mental hardship.

3. Resultantly, petitioner is entitled to cost of the present litigation and it is quantified at Rs. 25,000/- (Rupees twenty five thousand). The cost shall be paid to the petitioner within a period of eight weeks from the date of receipt of the copy of this order. The cost shall be recovered from such of those erring officials after holding departmental enquiry and in accordance with law.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Ankit Kumar/-

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