

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2080 of 2025

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Sanjeev Kumar Ray, S/o Rajeshwar Ray, R/o Village-Raghopur, P.S.-Bibhutipur, District-Samastipur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Excise, Government of Bihar, Patna.
2. The District Magistrate cum Collector, Samastipur.
3. The Superintendent of Police, Samastipur.
4. The SHO, Bibhutipur, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Advocate
For the Respondent/s : Mr. Kunal Tiwary, AC to GA-2

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 10-04-2025

In the instant Writ petition, petitioner has prayed
for the following reliefs:-

*“(i) For issuance of appropriate Writ
in the nature of “MANDAMUS” commanding upon
the respondent authorities to release the vehicle of
the petitioner of Mahindra Scorpio SS model
bearing registration no. BR-09-PA-5905, Engine
No. - XML4L10855, and Chassis No.
MA1TA2XM2L2L47670, which has been seized in*



connection with Bibhutipur P.S. Case No. 411/2024.

(ii) For grant of any other relief or reliefs for which the petitioner found to be entitle.”

2. On 19.03.2025, we have passed the following order:

“The Superintendent of Police, Samastipur is hereby directed to file an affidavit as to why the petitioner’s vehicle has been seized for the offences under Excise Act in view of the seizure memo in which the vehicle number is different. In this regard, necessary affidavit be filed on the next date of hearing.

2. Re-list this matter on 02.04.2025”

3. To that effect counter affidavit has been filed on behalf of Respondent No.3. Perusal of the counter affidavit read with the material information, it is evident that petitioner’s vehicle is not involved for the offences under the Bihar Prohibition and Excise Act, 2016. In fact, the petitioner’s vehicle was stationed in a car service centre and it has been seized in absence of any seizure of liquor from the subject matter of vehicle. Therefore, seizure of the petitioner’s vehicle



is highly arbitrary and illegal. In the result petitioner is entitled to release of the seized vehicle on 03.12.2024 within a period of one week from today. For having compelled petitioner to invoke remedy before this Court for the purpose of release of the subject matter of vehicle in the absence of any role played by the petitioner or his vehicle is involved for the offences under Excise Act, he is entitled to litigation cost and it is quantified at Rs. 10,000/- (Rs. Ten Thousand). Cost shall be paid within a period of four weeks by the Respondents to the petitioner.

4. With the above observation, Writ petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.04.2025
Transmission Date	NA

