

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2368 of 2025

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Md. Manauwar Hussain S/o Md. Moin, R/o Village- Amin, P.O.- Jajlo, P.S.-
Hantarganj, District- Chatra (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Prohibition, Excise and Registration Department Govt. of Bihar, Patna.
2. The Additional Secretary Prohibition, Excise and Registration Department, Govt. of Bihar, Patna.
3. The Excise Commissioner, Prohibition, Excise and Registration Department, Govt. of Bihar, Patna.
4. The District Magistrate, Gaya.
5. The Additional District Magistrate, Gaya.
6. The Senior Superintendent of Police, Gaya.
7. The S.H.O, Bahera, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Praveen Kumar, Advocate
For the Respondent/s	:	Mr. Khurshid Alam AAG-12
		Ms. Nutan Sahay AC to AAG-12

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

Date : 27-03-2025

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

“i. For issuance of writ in the nature of certiorari for quashing of order dated 19/09/2024 passed in criminal miscellaneous case No.284 of 2024 arising out of Bahera, P.S case No.35/2024 registered u/s 147, 148, 149, 341, 323, 324, 325, 326, 307, 332, 333, 353, 414, 468, 467 of IPC and 27 of Arms act as well as section 30(a), 41, 45 of the Bihar Prohibition and Excise Act 2016 passed by learned



Exclusive Excise court No.5, Gaya, whereby and where under motorcycle (Honda SP 125) bearing registration No. JH02BK-9350, Chassis No.ME4JC83EKNG110500, Engine No.JC83EG3356487 of petitioner has not been released and his application for release of vehicle has been dismissed.

ii.For issuance of writ in the nature of mandamus directing the respondents to release motorcycle (Honda SP – 125) bearing registration No. JH02BK-9350, Chassis No. ME4JC83EKNG110500, Engine No.JC83EG3356487 in favour of the petitioner forthwith which has been seized by the respondent police officials in connection with Bahera, P.S case No.35/2024 registered u/s 147, 148, 149, 341, 323, 324, 325, 326, 307, 332, 333, 353, 414, 468, 467 of IPC and 27 of Arms act as well as section 30(a), 41, 45 of the Bihar Prohibition and Excise Act 2016 is pending in the court of learned Exclusive Excise court No.5, Gaya.

iii.For issuance of any other appropriate writ or direction for which the petitioner is otherwise entitled in the eye of law.”

2. We had earlier specifically asked the State counsel to secure instruction whether was there any recovery of liquor from the vehicle of the petitioner or not. Today, a counter affidavit has been filed on behalf of respondent no. 6. In para 15 they have admitted that no liquor has been recovered from the petitioner's vehicle. In the light of these facts and circumstances, the petitioner's vehicle is not involved for the offences under Excise Act. Resultantly, petitioner is entitled to have the benefit of release of the vehicle to the extent that his vehicle is not involved under the Excise Act.



3. In this regard, Sr. Superintendent of Police, Gaya is requested to release the subject matter vehicle in favour of the petitioner after due verification of the records of the vehicle within a period of two weeks.

4. The petitioner shall give an undertaking before the Sr. Superintendent of Police, Gaya to the effect that whenever the subject matter vehicle of the petitioner is warranted for inspection in respect of other offences are concerned, the petitioner shall produce the vehicle before the concerned authority for inspection/examination of vehicle records.

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

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.03.2025
Transmission Date	NA

