

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3812 of 2025

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Maheshwar Kumar @ Maheshwar Prasad S/o Munshi Prasad, R/o Village-
Jamuhar, P.O.- Mumuar, P.S.- Mohanpur, District- Gaya.

... .. 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, Adv.
For the Respondent/s : Mr. Anil Kumar Verma, (AC to AAG 9)

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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)

3 10-04-2025 In the instant Writ petition, petitioner has

prayed for following reliefs:-

“(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 (Hero Passion) bearing registration No. JH02AG7623, Chassis No. MBLHA10BJFHB36273, Engine No. HA10ETFHB61013 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 (Hero Passion) bearing registration No. JH02AG7623, Chassis No. MBLHA10BJFHB36273, Engine No. HA10ETFHB61013 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. Learned State Counsel, Mr. Anil Kumar Verma, on instruction submitted that no liquor has been seized from the petitioner's vehicle, in such an event, seizure of the vehicle for offences under Excise Act is highly arbitrary and illegal. That apart the petitioner has been harassed from 12.05.2024 till date, like filing of present Writ Petition. Therefore, the concerned authority is hereby directed to release the subject matter of the vehicle within a period of one week after due verification of the vehicle's documents.

3. Present C.W.J.C. No. 3812 of 2025 stands allowed with cost of Rs. 10,000/- (ten thousand rupees). The cost shall be paid to the petitioner for the reasons



that he has been unnecessarily harassed for these many days.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Nirajkrs/-

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