

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4287 of 2025**

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Awadhesh Tiwari S/o Sri Satyanarayan Tiwari, R/o Village- Jamaglapur, P.O.-  
Narkatiyaganj, P.S.- Shikarpur, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, West Champaran, Bettiah.
3. The Superintendent of Police, West Champaran, Bettiah.
4. The Superintendent of Excise Department, West Champaran, Bettiah.
5. The Officer in Charge, Bettiah Muffasil, Police Station, West Champaran.
6. The Investigating Officer, Bettiah Muffasil, Police Station, Bettiah, West Champaran.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.  
For the State : Mr. Mahtab Alam, AC to SC 20

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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)**

2      10-04-2025                      In the instant Writ petition, petitioner has prayed  
  
for following reliefs:-

“(a) For issuance of appropriate writ  
in the nature of Mandamus directing and  
commanding the respondent authorities to  
release the vehicle white colour Mahindra  
Scorpio bearing Registration No. BR-28P5000,  
Chassis No. MA1TA2WGXH2F14279 and  
Engine No. WGH4F20017 of the petitioner, in  
favour of the petitioner or his representatives,  
which has been seized by the respondent



police of Bettiah (Muffasil) P.S. in Bettiah (Muffasil) P.S. Case No. 660/2024 dated 09.12.2024 registered u/s 319(2), 318(4), 308(2), 347(2) of BNS and u/s 37 of Bihar Prohibition and Excise Act, 2022 with the allegation of arrest of accused person in drunkard condition from the vehicle in question and with allegation of being used unauthorized logo of “Crime Information Division” and “Police” over the vehicle. The case is pending in the court of learned Special Judge Excise Court No. I, Bettiah, West Champaran. The vehicle of the petitioner is lying in the police station premises.

(b) For the issuance of any other relief/reliefs to which the petitioner may be found entitled, in the present facts and circumstances of the case in favour of the petitioner. “

2. The respondent – Police authorities have registered FIR for the offences u/s 319(2), 318(4), 308(2), 347(2) of BNS read with Section 37 of Bihar Prohibition and Excise Act, 2022. Seizure of the vehicle for offences under Excise Act is not permissible under the present case for the reasons that no liquor has been seized. Therefore, the concerned authorities are hereby directed to release



the subject matter of the vehicle in favour of the petitioner. However, they are permitted to take necessary steps insofar as remaining offences and in accordance with law.

3. The concerned authority is hereby directed to release the vehicle within a period of one week from today.

4. With the above observation, the present C.W.J.C. No. 4287 of 2025 stands disposed of.

**(P. B. Bajanthri, J)**

**( S. B. Pd. Singh, J)**

Nirajkrs/-

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