

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4826 of 2025

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Vikki Kumar Son of Sunil Choudhary, Resident of Ward Number 9, Jandaha,
P.S- Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Excise and Prohibition Department,
Government of Bihar, Patna.
2. The Excise Commissioner, Bihar Patna.
3. The District Magistrate cum Collector, Vaishali at Hajipur.
4. The Superintendent of Police, Vaishali at Hajipur.
5. The Station House Officer Hajipur Town PS, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
For the Respondent/s : Mr. Pranoy Kumar, AC to GP-12

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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 25-04-2025 In the instant petition, the petitioner has prayed for the
following relief(s):-

“(i). For issuance of an appropriate order, direction, writ in the nature of Writ of Mandamus for directing the concerned respondents, more specifically respondent number 4 and 5 to release the Mahindra Thar vehicle of petitioner bearing Registration No-DL1CAG7861, Chasis No-MA1UJ4YK2N2L26809, Engine No-YKN4L82701, which has been seized in connection with Hajipur Town P.S. Case No. 903 of 2024 dated 06.11.2024 registered for the offences under Sections 281,



324(4), 132, 126(2), 115(2), 121, 352, 351(2), 3(5) of Bhartiya Nyay Sanhita, 2023 and Sections 37(c) and 45 of Bihar Prohibition and Excise Act, 2022 (Amended).

(ii). For further issuance of an appropriate order, direction, writ in the nature of Writ of Mandamus for releasing the aforesaid vehicle of petitioner in favour of petitioner during pendency of confiscation proceeding if any have initiated in connection with the present case.

(iii). For issuance of appropriate declaration that in absence of any recovery of liquor from the vehicle of petitioner as evident from the seizure list, the seizure of vehicle is illegal and unsustainable in the eyes of law.

(iv). For any other relief or reliefs to which the petitioner may be found entitled in the fact and circumstances of the present case.”

2. Perusal of seizure memo, it is evident that no liquor has been recovered. On the other hand, it is alleged that driver of the vehicle is under intoxication in that event, the concerned authority should have resorted to register a case under Motor Vehicle Act 1988 read with Police Manual.

3. In these facts and circumstances, the petitioner has made out a case so as to interfere with the seizure of the vehicle. The concerned authority – Respondent No. 4 i.e. The Superintendent of Police, Vaishali at Hajipur is hereby directed to release the subject matter of vehicle.



4. Accordingly, present CWJC No. 4826 of 2025
stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Ankit Kumar/-

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