

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5021 of 2025

=====

Nitish Kumar Son of Suresh Das @ Suren Tanti, Resident of Village-Bramh Sathan, Ward No-10, P.S. and P.O.-Bangaon, Disitric-Saharsa, at present Address-Bangaon, Purbi Bariyahi Bazar, Ward No. 09, District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Excise Prohibition and Registration, Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Saharsa.
4. The Superintendent of Police, Saharsa.
5. S.H.O. Saharsa Sadar Police Station.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Singh, Advocate
For the Respondent/s : Mr.Addl. Advocate General (04)

=====

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 14-05-2025 In the instant writ petition, the petitioner has prayed
for the following relief:-

“(i) To issue an appropriate order/s, direction/s including a writ preferably in the nature of mandamus commanding and directing upon the District Magistrate Saharsa here in after referred to as Respondent No. 3 to release petitioners vehicle bearing its Registration No- BR-19W8309-Chasis No. MD634BE88R2C27185, Engine No. AE8CR2926218 which has been Seize in connection with Saharsa Sadar P.S- Case No.-1129 of 2024 registered for the offences Under Section 30(a), 41, of Bihar Prohibition and Excise Act 2022.



(ii) To, direct the Respondent No.- 3 to redress the vehicle of the Petitioner from where nothing incriminating article has been recovered.

(iii) To, direct the Respondent No.-3 to release the vehicle of the petitioner in any terms and Condition as imposed by this Hon'ble Court.

(iv) To, any relief/s to which the petitioner may be found entitled in the facts and Circumstance of the Case.”

2. From perusal of the FIR and seizure memo, it is evident that no liquor or raw material of liquor is seized from the subject matter vehicle. Therefore, the respondents have seized the vehicle in the absence of possessing or recovery of any liquor item from the subject matter vehicle, on this point the learned counsel for the petitioner has made out a case so as to interfere with the action of the respondents.

3. Accordingly, the District Magistrate, Saharsa is hereby directed to release the subject matter vehicle in favour of the petitioner within a period of one week from the date of receipt/production of a copy of this order.

3. Official respondents have seized the vehicle and harassed the petitioner from 17.10.2024 to this date and compelling the petitioner to invoke remedy under Article 226 of the Constitution of India for the release of the subject matter vehicle, therefore, petitioner is entitled to litigation cost and it is



quantified at Rs. 5000/-. Cost shall be paid to the petitioner within a period of eight weeks from the from the date of receipt/production of a copy of this order.

4. With the above observation and direction, writ petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

ranjan/-

U			
---	--	--	--

