

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5468 of 2025

Antu Kumar S/o Harinda Manjhi @ Harendra Manjhi, R/o Bharpatia,
Manuapul, P.S. Manuapul, District- West Champaran.

... .. Petitioner.

Versus

1. The State of Bihar through Principle Secretary, Home Department,
Government of Bihar, Old Secretariat, Patna - 800001.
2. The Secretary, Excise Department, Vikash Bhawan, Bailey Road Patna,
Bihar- 800001.
3. The District Magistrate, Bettiah, Collectorate Office, Bettiah.
4. The Officer-In Charge of Police Station of Banuchhapur, Bettiah District,
West Champaran.

... .. Respondents.

Appearance :

For the Petitioner	:	Mr. Deovind Kumar Singh, Advocate. Mr. Dharmesh Kumar Chaubey, Advocate.
For the State	:	Mr. Mujtabaul Haque, GP-12. Mr. Manish Kumar, AC to GP-12.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 06-05-2025

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

“For issuance of appropriate
writ/orders/directions commanding the respondents
to release the pulsar Motorcycle, bearing its
Registration no:-BR22BH-2088 Chasis No:-
MD2B68BX9RPL12798, Engine No:-
DHXPRL76533, which was seized by officer-
charge of Banuchhapur, Police Station on 13-12-
2024, in connection with Banuchhapar P.S Case



No.-44/2024, registered under section 126(2), 115(2), 281, 125(a), 324(4), 352 BNS and 37 of Bihar Excise Prohibition Amendment Act 2022 and it is being kept in the premises of Banuchhapar Police Station, District-West Champaran.”

2. Banuchhapar P.S. Case No.44 of 2024 has been registered for the offence under the BNS and Excise Act. In the absence of the seizure of the liquor, the subject matter of the vehicle of the petitioner bearing Registration No.BR22BH-2088 has been seized. Therefore, seizure of the vehicle would be arbitrary and illegal. Resultantly, petitioner is entitled to have benefit of the release of the vehicle with certain conditions like as and when vehicle is required to be produced for the purpose of investigation, the petitioner is required to furnish the vehicle. In this regard, petitioner shall cooperate with the official respondent as and when it is warranted.

3. Having regard to the fact that the official respondent has seized the vehicle without seizure of any liquor, therefore, he is hereby directed to release the subject matter of the vehicle in favour of the petitioner within a period of one week from today. Petitioner shall furnish the relevant documents of the vehicle before the concerned authority so as to enable the concerned official respondent to release the subject



matter of the vehicle. The above exercise shall be completed within a period of one week from today.

4. Having regard to the fact that the petitioner has been harassed and the vehicle is in police/excise custody from 13.12.2024 even to this day and petitioner was compelled to file the present litigation, he is entitled to cost of litigation and it is quantified at Rs.15000/-(Rupees Fifteen Thousand). The same shall be paid to the petitioner within a period of eight weeks from the date of receipt of this order.

5. With the above observation(s), the instant writ petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.05.2025.
Transmission Date	NA

