

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.895 of 2025

Arising Out of PS. Case No.-371 Year-2024 Thana- ALAMNAGAR District- Madhepura

Bhavan Kumar @ Bhavan Kumar Jha S/O Ramanand Jha R/O Ward No. 06,
Bhagipur, Narthua Bhagipur, P.S- Alamnagar, Distt.- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Excise and Prohibition Dept., Govt. of Bihar Bihar
2. The Commisioner, Excise and Prohibition Department, Government of Bihar, Patna. Bihar
3. The Collector-Cum-District Magistrate, Madhepura. Bihar
4. The Excise Superintendent, Madhepura. Bihar
5. The Station House Officer, Alamnagar Police Station, Distt.- Madhepura. Bihar
6. The Registrar, Civil Court, Madhepura. Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad
For the Respondent/s : Mr.G.P.23

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 08-05-2025 Heard the learned counsel for the petitioner and the

learned counsel for the State.

2. By way of this writ application, the petitioner seeks

for the following relief(s):

*“(I). For a quashing of order dated
29.11.2024 passed in Alamnagar Police Station
Case No. 371 of 2024 by learned Additional
District Judge-VII-cum-Special Excise Judge-2,
Madhepura whereby petition dated 27.09.2024
filed by the petitioner for release of the
vehicle/Car was dismissed as non maintainable;*

*(ii). For issuance of criminal writ
commanding the Respondents to release the
vehicle Car Maruti Suzuki Swift Registration
No. BR11BH0223 in favour of petitioner which*



was seized in Alamnagar Police Station Case No. 371 of 2024.”

3. It has been submitted by the learned counsel for the petitioner that on a private complaint, the petitioner has been apprehended and his car Maruti Suzuki Swift vide Registration No. BR-11-BH-0223 has been seized under Excise Act.

4. The blood sample of the petitioner was not taken to verify as to whether while driving the car, the petitioner was in a drunken position or not.

5. It appears to be a case of simple accident and for the same, the vehicle of the petitioner cannot be kept with the Police permanently in open sky.

6. In view of the aforesaid, the application is allowed. Accordingly, the order dated 29.11.2024 passed in Alamnagar P.S. Case No. 371 of 2024 is hereby quashed.

7. The vehicle in question *vide* Registration No. BR-11-BH-0223 is directed to be release in favour of the petitioner on furnishing surety of Rs. 4,00,000/- (Rs. Four Lakh) to the satisfaction of concerned Authority/Court.

(Sandeep Kumar, J)

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