

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8728 of 2025

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Bdak Kumar @ Arjun Kumar, S/O Kamla Chauhan, R/O Vill.- Jalahara, P.S.-
Rajpur, Dist.- Buxar.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition Govt. of Bihar, Patna.
2. The Director General of Police, Govt. of Bihar, Patna.
3. The Excise Commissioner of Bihar, Patna.
4. The District Magistrate-cum-Collector, Buxar.
5. The Superintendent of Police, Buxar.
6. The S.H.O. Rajpur, Police Station, Dist.- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma, Advocate

For the Respondent/s : Mr.Mahendra Prasad Verma, AC to SC- 20

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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 : 10-07-2025

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

*(i) For release of the vehicle in favour
of the petitioner in which the petitioner is the
owner of the said seized Motorcycle bearing
Registration No. BR44T-8586. The above
motorcycle name as Honda Shine model is has
been seized in connection with Rajpur P.S. Case
No. 06/2025 due to violation of the Bihar
Prohibition and Excise (Amendment) Act, 2018.*



(ii) For the issuance of other appropriate writ/writs, direction/directions, order/orders as may be deem fit and proper.”

2. Core issue involved in the present *lis* is whether a drop of liquor has been seized from the petitioner's vehicle bearing registration No. BR44T-8586 or not? Perusal of the seizure memo, it is evident that there is no seizure of liquor from the subject matter of vehicle bearing registration No. BR44T-8586. In paragraph Nos. 8 and 10 of the counter affidavit, Respondents have not disputed to the extent that liquor was not seized from the petitioner's vehicle bearing registration No. BR44T-8586.

3. Having regard to the fact that no liquor has been seized from the subject matter of vehicle bearing registration No. BR44T-8586. The Respondents have unnecessarily harassed the petitioner insofar as seizure of the vehicle. The rider of the motorcycle was involved insofar as transportation of liquor from a different vehicle, in that event, officials are not required to seized the vehicle, which is not directly involved insofar as any recovery of liquor. Therefore, seizure of the petitioner's vehicle is arbitrary. Accordingly, Respondents are hereby directed to release the subject matter of vehicle within a



period of one week from today, after due verification of the documents of the vehicle to be produced by the petitioner. For unnecessarily harassing the petitioner and compelling him to file the present Writ petition, petitioner is entitled to litigation cost and it is quantified at Rs. 5000/- (Rs. Five thousand). Cost shall be paid by the concerned official Respondent.

4. With the above observation, C.W.J.C. No. 8728 of 2025 stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.07.2025
Transmission Date	NA

