

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9473 of 2025

Indian Infratech a registered partnership firm, having its registered office at 1st Floor, Shop no.- 22, Church Complex in front of Andrews Inter College, Shastri Chowk, Gorakhpur, P.S.- Cantt. Gorakhpur District- Gorakhpur- 273001 (U.P.) through its constituted attorney, Santosh Kumar, Male, aged about 39 years, son of Sri. Lalan Singh, resident of Village- Dhandhua, Ward No.- 10, Bishunpur Ragho, P.S.- Jandaha, District- Vaishali- 844504 Bihar.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition, Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Begusarai.
4. The Senior Superintendent of Police, Begusarai.
5. The Station House Officer, Barauni Police Station, Begusarai.
6. Indian Oil Corporation Limited, Barauni, District- Begusarai

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Satyabir Bharti, Senior Advocate Ms. Kanupriya, Advocate Mr. Abhishek Anand, Advocate Mr. Ganga Prasad Bimal, Advocate
For the State	:	Mr. Kumar Alok, Standing Counsel (07)
For the IOC	:	Mr. Ankit Katriar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date : 15-09-2025

The present writ application has been filed seeking the following reliefs:-

“(i) Issuance of writ of mandamus, directing the respondents to forthwith release tanker bearing registration no.UP53T8533 along with 25,000 liters of Ethanol, which has been seized in connection with Barauni (Zeromile) O.P. Case No.80 of 2025 dated



17.05.2025, instituted under Section 30(a), 33, 41(1) of the Bihar Prohibition and Excise Act, 2016 and 303(2)/62 of BNS which was lawfully being transported from M/s Westwell Biorefinery Pvt. Ltd., Gopalganj (Bihar) to Indian Oil Corporation, Barauni Refinery, District-Begusarai (Bihar), on the strength of valid documents/permits;

(ii) To restrain the respondents from destruction of 25000 liters of Ethanol stored in the tanker, which has been seized in connection with Barauni (Zeromile) O.P. Case No.80 of 20025 dated 17.05.2025, as the consignment was lawfully being transported to Indian Oil Corporation, Barauni Refinery, District-Begusarai, on the strength of valid documents/permits.

(iii) To pass such other order(s), direction(s) as your Lordships may deem fit and proper in the facts and circumstances of the case.”

2. It is the case of the petitioner that the petitioner is engaged in transportation services and being owner of fleet of tankers which are registered with the Bihar Excise Department for transporting alcohol related products in the State of Bihar, the firm of the petitioner is engaged in providing transportation services from the distillery of M/s Westwell Bio-refineries Private Limited Rajapatti, Kiioti, District-Gopalganj to the Indian Oil Corporation Ltd. for blending with petrol.

3. It is submitted that in the present case the tanker of the petitioner was loaded with ethanol which was to be delivered at the destination i.e. Indian Oil Corporation, Barauni Refinery. The tanker started its journey on 15.05.2025 at around 7.00 PM and it reached its destination at 8.30 AM on the next day, recorded



its arrival and was waiting on the road for its turn for unloading the tanker. It is stated that some times the waiting time is more than 24 hours. According to the petitioner, while the tanker was stationed near the destination with the digital lock and GPS of the vehicle affixed on the tanker, it was intercepted by the police officials of Barauni (Zeromile) O.P. District-Begusarai making a false and concocted allegation that the driver had intended to unload ethanol loaded with the tanker, he seized the tanker containing 25000 liters of ethanol and lodged Barauni (Zero Mile) OP Case No.80 of 2025 dated 17.05.2025 registered under under Section 30(a), 33, 41(1) of the Bihar Prohibition and Excise Act, 2016 and Section 303(2)/62 of the Bhartiya Nagrik Sanhita (BNS). The entire quantity of 25000 liters of ethanol was found to be loaded on the tanker at the time of seizure.

4. It is submitted that the ethanol which is loaded on the tanker is not an intoxicant or liquor. It is industrial alcohol, unfit for human consumption and used for blending with petrol under the National Biofuel Policy, 2018 of the Government of India.

5. Learned counsel for the petitioner submits that the consignment of ethanol could not have been seized by the police alleging violation of the Bihar Prohibition and Excise Act as it is a raw material for blending with petrol. Thus, the police officials



had absolutely no jurisdiction to seize the consignment of ethanol. The petitioner has enclosed with the writ petition a copy of the GPS and digital lock report (Annexure-P/9) to submit that it would demonstrate that the consignment was being lawfully transported but the police officials in a mischievous act has seized the tanker containing ethanol which ought to have been delivered to IOCL.

6. A counter affidavit has been filed on behalf of the respondent no.4, which has been sworn by the Deputy Superintendent of Police (Reserve), Begusarai. According to respondent no.4, Zero Mile (O.P.) Incharge, namely, Chandrakant Kumar got a secret information that ethanol/spirit is being taken out from the tanker by some persons in the way of BPCL Campus road under the jurisdiction of Zero Mile O.P. On this information, a raid was conducted and it was found that 3-4 persons were trying to commit theft of ethanol by taking out from the tanker bearing Reg. No.UP53T8533 and a silver colour Maruti Suzuki Omni four-wheeler having Reg. No. BR09T7340 was standing near the tanker. On seeing the police party, all the persons were trying to flee away but with the help of other police officials one person was apprehended who disclosed his name as Amit Kumar, he was a driver of the said tanker but others managed to escape and fled away.



7. It is submitted that the investigating officer has recorded the statement of the witnesses and all the witnesses have supported the prosecution case. It has been found that the lid of the upper chamber was open despite the digital lock was intact and a Maruti Suzuki Omni four-wheeler was kept parking beside there. The said place was three kilometer away from the destination place and from the seizure list, it may be found that from the said Omni four-wheeler, 15 empty Jarkin along with a 2 inch pipe of 15 feet in length was also found and the apprehended person has disclosed that for commitment of theft, the tanker with ethanol was standing there. The tanker was built in such a way that despite there being a digital lock the lid of the upper chamber can be opened, which goes to show that there is involvement of tanker owner and also shows that despite being a digital lock there is another way created by the persons who are involved in such type of theft of ethanol from the tanker.

8. The petitioner has contested the statements of respondent no.4 by filing a rejoinder. The respondent no.4 has also filed a supplementary counter affidavit.

9. Be that as it may, in course of hearing of the writ application, learned counsel for the State submitted that without prejudice to the contentions of the State, the State would have no



objection if the tanker with loaded ethanol be released provided the Court is assured by the petitioner that the loaded ethanol will be delivered to the Indian Oil Corporation, Barauni Refinery for which the consignment was meant. Learned counsel for the State has further submitted that while releasing the tanker in question in favour of the petitioner, appropriate order be passed directing the learned court below to get prepared a *panchnama* of the seized vehicle in presence of two witnesses, photograph of the vehicle in present condition be obtained, the *panchnama* and photograph be kept on the trial court records for use in course of trial and the petitioner must submit an undertaking that it would not question the identity of the tanker and the *panchnama* so prepared at this stage, in course of trial. It is also submitted that after getting release of the tanker, the petitioner would not modify the physical features of the tanker in any form during the trial.

10. Mr. Satyabir Bharti, learned senior counsel for the petitioner took a stand that the petitioner would be ready to submit an undertaking to the effect called upon by learned counsel for the State and then the loaded ethanol shall be delivered to the Indian Oil Corporation, Barauni Refinery immediately after release.

11. In view of what transpired in course of hearing, this Court adjourned the matter on 12.09.2025 to enable learned



counsel for the petitioner and the State (SC-7) to request Mr. Ankit Katriar, learned Advocate who is representing Indian Oil Corporation, Barauni Refinery in this Court to be present with instruction as to whether Indian Oil Corporation, Barauni Refinery would receive the ethanol loaded on the tanker in question.

12. Today, Mr. Ankit Katriar, learned counsel for the Indian Oil Corporation, Barauni Refinery has appeared before this Court and submitted on instruction that Indian Oil Corporation, Barauni Refinery is ready to take delivery of 25000 liters of ethanol which is said to be loaded on the tanker. In view of the said statement, this Court directed that Indian Oil Corporation, Barauni Refinery be made party respondent no.6 in this case. Mr. Ankit Katriar, learned counsel accepted the notice on behalf of newly added Respondent No. 6. This Court has already recorded his statement hereinabove.

13. Having regard to the pleadings available on the record and the submissions made by learned counsel for the parties, this Court directs release of the tanker bearing registration no. UP53T8533 with loaded ethanol in favour of the petitioner immediately. The petitioner shall deliver the loaded ethanol to the Indian Oil Corporation, Barauni Refinery.



14. Before release of the vehicle with loaded ethanol, the following requirements shall be fulfilled:-

(i) A *panchnama* of the vehicle with loaded ethanol shall be prepared in presence of the two independent witnesses.

(ii) The photograph of the vehicle shall be taken in presence of the petitioner or its authorized representative.

(iii) The petitioner shall submit an appropriate undertaking to the satisfaction of the learned jurisdictional court that it would not question the identity of the vehicle and the correctness of the *panchnama* and the photographs in course of trial while exhibiting those documents by the prosecution, if so advised.

15. In terms of the order aforesaid, this writ application is allowed.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

lekhi/arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	18.09.2025
Transmission Date	

