

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12214 of 2025

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Raju Kumar, Son of Deonandan Singh, Resident of Harish Chandra Nagar,
P.S.- Jakkanpur, District- Patna.

... .. Petitioner.

Versus

1. The State of Bihar through the Secretary, Prohibition Excise and Registration Department (Excise), Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The Collector, Kaimur at Bhabua.
4. The Excise Superintendent of Police, Kaimur at Bhabua.
5. The Officer-in-Charge-cum-Inspector of Prohibition Excise and Registration Department (Excise), Kaimur at Bhabua.

... .. Respondents.

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate.
For the State : Mr. Government Advocate (10).

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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 : 12-08-2025

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

“(i) For issuance of an appropriate writ in the nature of certiorari for quashing of the order dated 18.06.2025 passed in (Prohibition Excise) P.R. Case No.395/2025 registered for the offences under Section 30(a) of the Bihar Prohibition & Excise (Amendment) Act by the learned Exclusive Special Judge (Excise-II), Kaimur at Bhabua whereby and where under the application on behalf of the petitioner for release of his vehicle i.e. Maruti Suzuki Swift Dzire



bearing Registration No.BR01PQ-4945 Chassis No.MBHCZFB3SPJ477083 Engine No.K12NP7354922 has been refused on technical ground that the Court has no jurisdiction to entertain and pass the order for release of the vehicle in view of the provision contained Section 6 of the 4 Bihar Prohibition & Excise (Amendment) Act.

(ii) For further release the vehicle of the petitioner bearing Registration No.BR01PQ-4945 which admittedly has not been used in commission of offences punishable under Bihar Prohibition & Excise (Amendment) Act as indicated in Section 56 of the Act captioned under since liable for confiscation.

(iii) For further direction to the respondent Collector, Kaimur at Bhabua to immediately release the vehicle in question if the proceeding is pending for confiscation under Section 58 of the Bihar Prohibition & Excise (Amendment) Act as the vehicle is no way connected in commission of offences punishable under the Bihar Prohibition & Excise (Amendment) Act.

(iv) For further award exemplary compensation to the petitioner for illegal seizure of his vehicle in violation of Article 21 of the Constitution of India.

(v) For further prayer to hold that the Exclusive Special Judge (Excise-II), Kaimur at Bhabua has jurisdiction to entertain and pass the order on the point of release of the vehicle and the proceeding is not hit by section 60 of the Bihar Prohibition and Excise (Amendment) Act.

(vi) And for any other reliefs for which this Hon'ble Court may deem fit and proper.”



2. Undisputedly, perusal of the seizure memo, it is evident that the petitioner’s vehicle is not involved for the offences under the Excise Act. On the other hand, other vehicles are involved, which have also been seized. The petitioner’s vehicle has been seized only on the score that it was escorting the other vehicles. The same cannot be taken note of for the purpose of seizure of the petitioner’s vehicle.

3. Accordingly, respondents are hereby directed to release the petitioner’s vehicle within a period of one week from the date of receipt of this order.

4. With the above observation(s), 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	13.08.2025.
Transmission Date	NA

