

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1632 of 2024

Arising Out of PS. Case No.-423 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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Umesh Kumar Paswan, Son of Shankar Paswan, R/O Vill. and P.o.- Saltore,
P.s.- Naturia, Dist.- Purulia, West Bengal.

... .. Petitioner/s

Versus

1. The State of Bihar through Home Commisioner, Government of Bihar, Old Secretariat Bihar
2. The District Magistrate, Darbhanga Bihar
3. The Director General of Police Patna
4. The Senior Superintendent of Police, Darbhanga Bihar
5. The Deputy Superintendent of Police, Darbhanga Bihar
6. The Officer-in-Charge, Sadar (Mabbi O.P.), Dist.- Darbhanga Bihar
7. The Investigating Officer, Sadar (Mabbi O.P.), Dist.- Darbhanga Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rananjay Kumar, Advocate
For the Respondent/s : Mr. G.P.26

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 27-02-2025 A Mahindra Bolero Pick-up van bearing registration no. **WB 812951** in the name of the petitioner was seized on 19th June 2023 by the police attached to Darbhanga Sadar P.S. for violation of provisions contained in Section 30(a) of the Bihar Prohibition and Excise Act, 2018. On search 156.600 liters of foreign liquor were seized from the said pickup van. The petitioner is booked in the aforesaid case on the ground that he is the registered owner of the said pickup van.



2. The petitioner has approached this Court stating, inter alia, that he has transferred the said vehicle, executing a deed of sale in favour of one Rahul Kumbhakar at a consideration money of Rs. 76,000/- (Rs. seventy-six thousand only). The said vehicle was hypothecated to a nationalised bank and it was decided that the purchaser would make payment of balance EMI to the bank in respect of the said vehicle. It is contended by producing a sale letter by the petitioner that the vehicle in question was not owned by him and, therefore, he is not liable for any offence for illegal transportation of foreign liquor in the State of Bihar punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. The petitioner has prayed for proper investigation of the case under the facts and circumstances stated above, and having heard the learned Advocate appearing on behalf of the respondents, the instant writ petition is disposed of to produce all related documents regarding the sale of the pick-up van in question before the investigating officer.

4. Further, the investigating officer is directed to examine the said documents, and if it is found that the pick-up van was transferred lawfully in favour of any third person, he shall make the necessary prayer in respect of the involvement of



the petitioner before the learned jurisdictional Magistrate at the
time of submission of the final report.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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