

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13851 of 2025

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Kumar Abhishek Ranjan, Son of Kumar Rakesh Ranjan, Resident of Village-
Bhane Bigha, P.S- Makdumpur, District - Jehanabad

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Bihar, Patna
2. The Principal Secretary, Department of Excise, Bihar, Patna
3. The District Magistrate, Bhojpur, Bihar,
4. The Superintendent of Police, Bhojpur, Bihar,
5. The Superintendent of Excise, Bhojpur, Bihar,
6. The Officer-in-Charge, Barhara Police Station, Bhojpur, Bihar

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Vatsal Vishal, Advocate Mr. Pratik Mishra, Advocate Mr. Raushan Kumar, Advocate
For the State	:	Mr. AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 17-11-2025 Heard learned counsel for the petitioner and learned
AC to SC-28 for the State.

2. The petitioner in the present writ application is seeking release of the vehicle, namely, Royal Enfield Classic 350 CC Motorcycle bearing Registration No. BR01-JH4362.

3. Learned counsel for the petitioner submits that from the FIR itself, it is crystal clear that no liquor was recovered from the Royal Enfield bike of the petitioner. The petitioner was not apprehended from the alleged place of



occurrence. The recovery of liquor from the other vehicles which are mentioned in the FIR cannot be a ground to seize the vehicle under Section 56 of the Bihar Prohibition and Excise Act.

4. It is further submitted that till date, no confiscation proceeding has been initiated but the vehicle in question is lying under seizure from 12th July, 2025.

5. Learned AC to SC-28 for the State has admitted at the Bar that so far as this vehicle is concerned, it has not been seized loaded with any liquor, however, it is his submission that in the kind of allegations made in the FIR, the vehicle in question becomes a case property for the commission of alleged offences. The FIR in question has been registered under Section 30(a) of the Bihar Prohibition and Excise Act as also under Section 109(1) of the Bhartiya Nyay Sanhita, 2023.

6. Taking note of the aforementioned submissions and the admitted position that so far as the vehicle in question is concerned, no liquor has been recovered from the vehicle but it is said to be a case property for the other alleged offence for which FIR has been lodged, we grant liberty to the petitioner to approach the concerned learned Jurisdictional Magistrate with an appropriate application seeking release of the vehicle on such



terms and conditions which may be imposed by the learned Magistrate. The Investigating Officer of the case must submit the seizure list of the motorcycle in the court of learned Jurisdictional Magistrate.

7. If any such application is filed before the learned Magistrate within a period of one month from today, the same shall be considered and an appropriate order shall be passed thereon within a reasonable time.

8. Learned Magistrate before whom the application shall be filed must pass an appropriate order including interim order, if so required, after proper verification of the ownership of the vehicle and by imposing appropriate terms and conditions.

9. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Jitendra Kumar, J)

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