

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13927 of 2025

Shmadi Khatoon, Wife of Md. Jakir, Resident of Village- Ward 04 Kharka
Rain Shankar, P.S- Runnisaidpur, District- Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The District Magistrate cum-Collector, Sitamarhi.
3. The Superintendent of Police, Sitamarhi.
4. The S.H.O. Runni Saidpur Police Station, District- Sitamarhi.
5. The Investigating Officer of Runni Saidpur P.S Case No. 247 of 2025, Runni Saidpur Police Station, District- Sitamarhi.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Surendra Kishore Thakur, Advocate
For the State	:	Mr. Gautam Kumar Yadav, AC to GP-26

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

Date : 20-11-2025

Heard learned counsel for the petitioner and learned AC
to GP-26 for the State.

2. The petitioner in this case is seeking a direction to the respondents to release his vehicle being Hero Splendor Plus bearing Registration No. BR30AG6201, Engine No. HA11EYPHA73387, Chassis No. MBLHAW128PHAC3636 which has been seized in connection with Runni Saidpur P.S. Case No. 247 of 2025 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.



3. Learned counsel for the petitioner submits that when the police intercepted the persons who were riding the said motorcycle, it was found that one Md. Sahmad was in possession of 375 ml English liquor and Md. Samsad was also having in his possession the same quantity of liquor. Thus, a total of 750 ml English liquor has been recovered from the waist of the two persons who were on the motorcycle. Nothing has been recovered from the dickey of the motorcycle. It is submitted that the petitioner is the owner of the motorcycle and till date, no confiscation proceeding has been initiated.

4. Relying upon the judgment of this Court in the case of **Sunaina @ Suneina versus State of Bihar and Ors.** reported in **2024 (3) BLJ 163**, learned counsel submits that if no liquor was found in the dickey of the motorcycle, considering the quantity of liquor and the definite case of the prosecution that the said liquors were recovered from the waist of the accused persons Md. Sahmad and Md. Samsad, the vehicle in question cannot be placed under confiscation.

5. Learned AC to GP-26 for the State does not dispute that as per the first information report (Annexure 'P1'), 375 ml of liquor has been seized from possession of Md. Sahmad and Md.



Samsad each. It is not disputed that the liquor was not found in the dickey of the vehicle.

6. Having regard to the materials available on the record, the submissions noted hereinabove and the judgment of this Court in the case of **Sunaina** (supra), we direct the District Magistrate, Sitamarhi to pass an appropriate order for release of the vehicle in question. In case, it is found that any confiscation proceeding had been initiated, the same can proceed only after taking a view afresh in the light of the judgment of this Court. In such circumstance, the petitioner may seek release of the vehicle for the time being in terms of Rule 12A of the Bihar Prohibition and Excise Rules, 2021 (as amended vide Amendment Rules 2022). In any case, the order for release shall be passed by the District Magistrate, Sitamarhi within one month from the date of submission of the application by the petitioner.

7. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

lekhi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.11.2025
Transmission Date	NA

