

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14894 of 2025

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Rajesh Kumar Vishwakarma @ Rajesh Vishwakarma S/O- Nathu Ram Vishwakarma @ Natthu Vaishwakarma, Resident of village- Isharwar Bharhara, P.S- Kapseti, District- Varanasi, State- Uttar Pradesh. At Present Address- Resident of village- 196 Garpati Dham-2 Navagam, P.S-Dindoli, District - Surat, State- Gujrat.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Kaimur (Bhabhua)
3. The Superintendent of Police, Kaimur (Bhabhua)
4. The Superintendent of Prohibition, Kaimur (Bhabhua)
5. The Sub-Divisional Magistrate, Mohaniya, Kaimur (Bhabhua)
6. The Station House Officer, Durgawati Police Station, Kaimur (Bhabhua).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sonu Singh, Advocate Mr. Md. Sarfraz Ahmad, Advocate
For the Respondent/s	:	Mr. AC to GP-20

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 24-11-2025 Heard the learned counsel for the petitioner and

learned AC to GP-20 for the State.

2. Petitioner in the present case is seeking direction

for release of the vehicle (White Bolero Pickup) bearing

Registration No. UP-65JT-2960, Chassis No.

MA1ZP2TBKK6K27756 and Engine No. TBK4K55767.

3. It appears that the vehicle in question has been



seized in connection with Durgawati P.S. Case No. 58 of 2025 dated 02.03.2025 registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

4. Learned counsel for the petitioner also prays for setting aside of the order dated 05.08.2025 passed by the Sub-Divisional Magistrate, Mohaniya (Kaimur) in Excise Case No. 106 of 2025 arising out of Durgawati P.S. Case No. 58 of 2025 whereby and whereunder the prayer of the petitioner for release of the vehicle in question has been rejected keeping in view the departmental letter no. 3095 dated 26.04.2022.

5. Learned counsel for the petitioner submits that the vehicle in question has been seized for the first time with the illicit liquor. The petitioner is ordinarily residing in the State of Gujarat and had no knowledge that his brother would be using the vehicle for transportation of illicit liquor. In any case, he is ready to pay the penalty for release of the vehicle in terms of Rule 12(A) of the amended Rules 2022.

6. Learned counsel has also relied upon a recent judgment of this Court in the case of **Santosh Kumar vs. The State of Bihar and Others (CWJC No. 10777 of 2025)** to submit that the competent authority could not have rejected



the request of the petitioner for release of vehicle on payment of penalty for the solitary reason citing quantity of liquor recovered.

7. On the other hand, learned AC to GP-20 submits that competent authority has refused to release the vehicle in view of the departmental letter 3095 dated 26.04.2022 as the vehicle was carrying 776.6 liters of liquor.

8. Having regard to the aforementioned submissions, we are of the considered opinion that in the light of our judgment in the case of **Santosh Kumar vs. The State of Bihar and Others (CWJC No. 10777 of 2025)**, the impugned order is liable to be set aside and the competent authority is required to consider the request of the petitioner for release of vehicle afresh keeping in view the judgment of this Court. Accordingly, we set aside the impugned order dated 05.08.2025 passed by the Sub-Divisional Magistrate, Mohaniya (Kaimur) in Excise Case No. 106 of 2025 arising out of Durgawati P.S. Case No. 58 of 2025.

9. The matter is remitted to the said authority with a direction to consider the request of the petitioner for release of the vehicle in question within a period of 30 days from the



date of receipt of the copy of this order and pass an appropriate order keeping in view the judgment of this Court.

10. This writ application is allowed to the extent indicated hereinabove.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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