

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15337 of 2025

Manju Devi, Wife of Subodh Kumar, Resident of Village- Utar Bazar, Ward
No. 13, Warsaliganj, Police Station- Warsaliganj and District- Nawada.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Nawada.
3. The Superintendent of Police, Nawada.
4. The Excise Superintendent, Nawada.
5. The Officer-in-Charge, Warisaliganj Police Station, District- Nawada.
6. The Investigating Officer of Warisaliganj P.S. Case No.- 273 of 2025, P.S.- Warisaliganj, District- Nawada.

... .. Respondents

Appearance :

For the Petitioner : Mr. Nilendu Kumar Choudhary, Advocate

For the State : Ms. Vijaya Laxmi Srivastava, AC to SC-23

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

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 25-11-2025 Heard learned counsel for the petitioner and learned
AC to SC-23 for the State.

2. The petitioner in this case is seeking a writ in the nature of Mandamus directing the respondent authorities, particularly, the Respondent No. 2 i.e. the District Magistrate-cum-Collector, Nawada to release the Jawa Bullet Motorcycle bearing Registration No. BR-02BC-1377, Chassis No. MZDKW1C-16M1B52939 and Engine No. NBE-MA018189 of the petitioner which had been seized in connection with



Warisaliganj P.S. Case No. 273 of 2025 registered for offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2022 (as amended) and Section 111(4)/3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. Learned counsel for the petitioner submits that it is evident on a bare reading of the first information report that no liquor has been recovered from the motorcycle. It is alleged that the petitioner has been made accused as owner of the motorcycle. The petitioner has been described as 'liner' of the Alto Car from which altogether 105.75 litres of liquor has been recovered. It is submitted that the owner of the said Alto vehicle is also an accused in this case.

4. Learned counsel submits that the vehicle has been seized on the strength of the FIR even though from the motorcycle in question, no liquor has been recovered. The petitioner had approached the respondent authorities for release of her motorcycle but nobody is paying heed to her request.

5. Learned counsel has placed before this Court a copy of the judgment in case of **Rubi Devi Vs. The State of Bihar and Others (CWJC No. 15595 of 2025)** which is based on the judgment of this Court in the case of **Basant Pasi Vs. The State of Bihar and Others (CWJC No. 9143 of 2024)** and



Sunaina @ Suneina Vs. State of Bihar and Others reported in **2024 (3) BLJ 163** decided on 30.01.2024. It is submitted that since the case of the petitioner stands on identical footing, an identical order may be given to the petitioner.

6. Learned AC to SC-23 has upon going through the first information report accepted that so far as this vehicle i.e. the motorcycle is concerned, no liquor has been recovered from the motorcycle, however, learned AC to SC-23 has submitted that the petitioner was acting as a 'liner' of the main vehicle i.e. the Alto Car from which liquors have been recovered.

7. Having heard learned counsel for the petitioner and learned AC to SC-23 as also on going through the records, we find that the FIR itself shows the fact that recovery of the liquor has been made from the Alto Car and not from the motorcycle in question. We have perused the seizure list also and the seizure list of the motorcycle is not showing recovery of any liquor from the motorcycle. In such circumstance, we are of the considered opinion that the vehicle in question cannot be kept under seizure as no confiscation proceeding may be initiated against this vehicle.

8. In consonance of our judgment in the case of **Rubi Devi** (supra), we direct the Superintendent of Police, Nawada



and the Officer-in-Charge, Warseliganj Police Station, District-Nawada to release the vehicle in favour of the petitioner on submission of the proof of ownership of vehicle. Such release shall be done within a period of two weeks from today and immediately on submission of the ownership papers by the petitioner.

9. Since we have found that the seizure of motorcycle in this case is illegal, the petitioner would also be entitled for cost of litigation which is assessed at Rs.10,000/- (Rupees Ten Thousand). The cost shall be payable by the State to the petitioner and the same shall be realised from the erring officials in accordance with law.

10. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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