

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16328 of 2025

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Ranchor Infra Developers Pvt. Ltd. through its Manager Chandan Kumar, Male, aged about 31 Years, Son of Sri Dashrath Singh, Resident of Ward No. 2, Sonbarsha Emad, Sonbarsa Dih, Muzaffarpur, Police Station- Sonbarsa, District- Muzaffarpur, PIN Code- 843119.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna.
2. The Excise Commissioner, Department of Prohibition and Excise, Government of Bihar, New Secretariat, Patna.
3. The District Magistrate-cum-Confiscation Authority, District- Araria, Bihar.
4. The Sub-Divisional Magistrate, District- Araria, Bihar.
5. The Superintendent of Excise, District- Araria, Bihar.
6. The Senior Superintendent of Police, District- Araria, Bihar.
7. The Superintendent of Police, District- Araria, Bihar.
8. The Station House Officer-cum-Investigating Officer, P.S. Jokihat, District- Araria, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Hansraj, Advocate
		Ms. Aishwarya Shankar, Advocate
For the Respondent/s	:	AC to GP-2

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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 19-11-2025 Heard learned counsel for the petitioner and learned
AC to GP-2 for the State.

2. The petitioner in this case is seeking a direction to the respondents to release the vehicle bearing Registration No.BR11GD 1567, Chassis No.MA1PZ2JDKK6D25708 which has been seized in connection with Jokihat P.S. Case No.419 of



2024 dated 19.12.2024 registered under Sections 281/122(2)/125/115(2)/132 of Bhartiya Nayaya Sanhita, 2023 and 37(c) of the Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioner submits that the petitioner is the authorized representative of Ranchor Infra Developers Pvt. Ltd. in whose name the vehicle in question is registered. It is submitted that an FIR has been lodged by the informant alleging that the vehicle in question has collided with a motorcycle bearing Registration No.BR38K 9704 at the High School Chowk. On account of this accident, the two people who were riding the motorcycle got severally injured. The driver of the vehicle in question fled away, went ahead and hit another motorcycle. Later on, the vehicle in question was located near Dhanpura Over-bridge wherein the vehicle got out of control and got into a ditch. The driver of the vehicle in question was in intoxicated state. He disclosed his name and address.

4. Learned counsel submits that the vehicle was not loaded with any liquor and it was not being used in transportation of liquor, therefore, the vehicle would not have been a subject matter of seizure under the Bihar Prohibition and Excise Act. A case has also been lodged only for the alleged consumption of liquor by the driver. It is submitted that in



several judicial pronouncements such as in the case of **Munna Ram Vs. State of Bihar (CWJC No. 9504 of 2023)** and **Anand Raj Vs. State of Bihar** reported in **2019(2) BLJ 208**, it has been held by this Court that when the vehicle is not being used in transportation of liquor, it cannot be made subject matter of confiscation. The same principle has been laid down by this Court in the case of **Diwakar Kumar Singh Vs. State of Bihar** reported in **2018(3) PLJR 403**.

5. On the other hand, learned AC to GP-2 has submitted that the vehicle in question has not been seized for the unlawful transportation of the liquor. No confiscation proceeding has been initiated for confiscation of the vehicle, however, the vehicle has been seized being subject matter of the accident while being driven rashly and negligently by the driver in intoxicated condition. In such circumstance, it is open to the petitioner to seek release of the vehicle from the competent court.

6. Having regard to the submissions noted hereinabove and the materials which we have gone through and on finding that the petitioner has already approached the learned court of Exclusive Special Judge, Excise-II, Araria for release of the seized vehicle and an application, copy of which has been



enclosed with the writ petition, has been filed in the court, we direct the learned Exclusive Special Judge, Excise-II, Araria where Jokihat P.S. Case No.419 of 2024 is pending to consider the application of the petitioner seeking release of the vehicle in question and pass an appropriate order thereon within a period of four weeks from the date of receipt/production of a copy of this order. The petitioner may either itself or through its authorized representative produce the order of this court together with an appropriate application for hearing and passing of an order on the release application by the learned court below.

7. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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