

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17498 of 2025

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Garg Kumar Surwar @ Rahul @ Rahul Singh, S/o Bholanath Singh @ Bhola Nath Singh, R/o Village- Rasenchak, P.S.- Nayagaon, District- Saran.

... .. Petitioner

Versus

1. The State of Bihar through its Home Secretary, Govt. of Bihar, Patna.
2. The District Magistrate, Saran.
3. The Superintendent of Police, Saran.
4. The Deputy Superintendent of Police, Sonepur, Saran.
5. The S.H.O. Nayagaon Police Station, Saran.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Ravi Prakash, Advocate
For the State : Mrs. Puspanjali Sharma, AC to SC-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 01-12-2025 Heard learned counsel for the petitioner and learned

AC to SC-20 for the State.

2. The petitioner in this writ application is seeking release of his vehicle Passion Pro Motorcycle bearing Registration No. BR31AJ8736, Chassis No. MBLJAW113KGGH01446, Engine No. JA06ETKGGH02326 and Redmi Mobile bearing IMEI1 No. 868915053331393, IMEI2 No. 868915053331401.

3. Learned counsel for the petitioner submits that the vehicle and the mobile in question have been seized in connection with Nayagaon P.S. Case No. 139 of 2025 dated



08.08.2025 registered under Section 30(c) of the Bihar Prohibition and Excise (Amendment) Act, 2022. It is submitted that so far as the present vehicle is concerned, no liquor has been recovered from the vehicle in question. The entire seizure of liquor is from the Tempo.

4. It is stated that no confiscation proceeding has been initiated against the vehicle in question.

5. Learned AC to SC-20 for the State submits that it is open to the petitioner to file an appropriate application before the competent authority i.e. the District Magistrate, Saran (Respondent No. 2) for release of the vehicle and mobile. If an appropriate application in the prescribed format with the requisite documents are filed before the Respondent No. 2, the same shall be considered and an appropriate order for release of the vehicle and mobile shall be passed within a reasonable time.

6. Having regard to the stand of the respondents, we grant liberty to the petitioner to file an application in the given format to the Respondent No. 2 for release of the vehicle and mobile in question. The petitioner would also be at liberty to take all such plea which are available to him before the District Magistrate, Saran.

7. In case, such an application is preferred by the



petitioner, the same shall be considered by the District Magistrate, Saran (Respondent No. 2) and an appropriate order shall be passed thereon within a period of one month from the date of filing of the application. The petitioner may also place all the judgments of this Court which may be applicable to the facts of this case.

8. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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