

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19764 of 2024

Paramjeet Singh, son of Ashok Kumar, Resident of Village- VPO Amritsar
Kalan Tehsil Ellenabad, Police Station- Khanpur, District- Sirsa.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna.
2. The Excise Commissioner, Government of Bihar, Patna.
3. The Collector-cum- The District Magistrate, Saran at Chapra.
4. The Superintendent of Police, Saran at Chapra.
5. The S.H.O cum Investigating Officer, Bheldi, Police Station, District-Saran at Chapra.

... .. Respondents.

Appearance :

For the Petitioner	:	Mr. Pramod Kumar Singh, Advocate.
For the State	:	Mr. Madhukar Mishra, AC to SC-16.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 23-01-2025

In the instant writ petition, petitioner has prayed for the following relief(s):

- “(i) For issuance an appropriate writ/writs/order/orders/ direction/ directions including a writ preferably in the nature of mandamus for the direction to release of the Innova car bearing Reg. No.HR44C-0105 in favour of the petitioner which is seized in connection with **Bheldi P.S. Case**



No.274 of 2024 dated 23.08.2024 for offences under 223, 274, 275 of the Bharatiya Naya Sanhita 2023 and sections 30(a), 32, 36, 47 of the Bihar Prohibition and Excise (Amendment) Act 2022. **There is no liquor have been recovered from Innova car bearing Reg. No.HR44C-0105.**

- (ii) Restraining the Respondents from taking any coercive action in connection with .
- (iii) Any other relief or reliefs which the petitioner may be found entitled to in the facts and circumstances of the case.”

2. On the previous date of hearing on 20.01.2025, we had noticed that petitioner’s subject matter of vehicle bearing Registration No.HR44C-0105 is not involved for the offences under the Excise Act as is evident from the F.I.R. and seizure memo. On the other hand, Bolero Pick-up bearing Registration No.BR05GC-0536 is alleged to have been seized for the offences under the Excise Act. Resultantly, petitioner’s subject matter of vehicle bearing Registration No.HR44C-0105 has been seized by the police authorities, which is in violation of statutory provisions under the Bihar Prohibition and Excise Act,



2016. In other words, there is a highhandedness on the part of the police authorities in seizing the petitioner’s subject matter of vehicle in the absence of alleged any offences committed under the Excise Act. Therefore, the concerned authority is hereby directed to release the subject matter of vehicle in favour of the petitioner after due verification of the ownership’s document and release the same within a period of three days from today.

3. Having regard to the fact that petitioner has been harassed from August 2024 to this day and compelling him to approach this Court in filing writ petition, petitioner is entitled to litigation cost and it is quantified at Rs.20,000/-(Rupees Twenty Thousand). Cost shall be paid to the petitioner within a period of eight weeks from today.

4. With the above observation, instant writ petition stands allowed.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.01.2025.
Transmission Date	NA

