

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19962 of 2025

Shivam Kumar, S/o Manoj Kumar Pandit, R/o Village- Kailashpuri Mohalla,
Ward No.- 2, P.S.- Tilaiya, District- Koderma (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and Excise Department, Bihar, Patna.
2. The District Magistrate, Nawada.
3. The Superintendent of Excise, Nawada.
4. The Superintendent of Police, Nawada.
5. The Excise Inspector-cum-S.H.O., Nawada Excise P.S., Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Sinha, Advocate Mr. Bipin Kumar, Advocate Mr. Amar Nath, Advocate
For the State	:	Mr. Amit Bhushan, AC to GP-17

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date : 18-12-2025

Heard the learned counsel for the petitioner and
learned AC to GP-17 for the State.

2. Petitioner in the present writ application is seeking a writ in the nature of mandamus directing the respondent authorities to release Maruti Vitara Brezza car bearing registration No. JH02AN-4280, Chassis No. MA3NYFB1SGJ157649 and Engine No. D13A-2916204, cash of Rs. 67,000/- and a mobile in favour of the petitioner. In this



connection, learned counsel for the petitioner has placed before this Court a copy of the seizure list (Annexure-P/1).

3. It appears that the vehicle in question has been seized and a case bearing Excise Nawada P.S. Case No. 733 of 2025 dated 23.09.2025 has been registered under Sections 48 and 52 of the Bihar Prohibition and Excise Act, 2016 (as amended).

4. The learned counsel for the petitioner submits that an FIR has been registered alleging that there was secret information that one person with a grey and salty color Brezza car bearing registration number JH02AN-4280 is coming with 13-14 carton of liquors. In order to verify the information, the informant stopped the vehicle and was successful in catching the vehicle on chase. Be that as it may, during the search of the vehicle, no liquor was found, but a diary was found wherein some descriptions of transactions of money and liquor were found. The informant alleged that he smelled something like liquor in the vehicle. The learned counsel for the petitioner submits that one thing is evident from the FIR itself that no liquor was found in the vehicle. Therefore, the police officer of the Excise Police Station Nawada could not have seized the vehicle. It is his submission that the seizure is wholly illegal and



it is a case of excessive use of power by the assistant Sub-Inspector of Police, Excise Police Station Nawada.

5. The learned counsel for the State does not dispute that from the vehicle in question no liquor was recovered. It is also informed that in this case no confiscation proceeding has been initiated.

6. Having regard to the admitted facts of the case, we are of the considered opinion that so far as seizure of the vehicle in question is concerned, the same has no basis and on the face of the averments and the written information itself, one may reach to a conclusion that there was no recovery of liquor from the vehicle.

7. In the circumstances, we direct the District Magistrate Nawada (Respondent No. 2) to pass an appropriate order for release of the vehicle as early as possible and in any case within a period of 30 days from the receipt of a copy of this order.

8. The Respondent Nos. 3 and 4 shall take note of the facts of the case and find out as to why, when no liquor was found in the vehicle, the ASI seized the vehicle in question. Appropriate action in this regard shall be duly considered by the authorities.



9. So far as release of the mobile phone and money are concerned, the petitioner may file a separate application for the same before the jurisdictional court dealing with the matter, which shall be considered and an appropriate order thereon shall be passed within a period of one month from the date of filing of the application.

10. The writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

manoj/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.12.2025
Transmission Date	NA

