

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20286 of 2025

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Niranjan Kumar Son of Raja Ram Paswan, resident of village- Chandaura,
P.S.- Tharthari, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna.
2. The District Magistrate, Jehanabad.
3. The Superintendent of Police, Jehanabad.
4. The S.H.O. Kako Police Station, District- Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jogendra Kumar, Advocate
For the State : Mr. Kamlesh Kishore, AC to SC-12

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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 SC-12 for the State of Bihar.

2. The petitioner in the present writ application is seeking a direction in the nature of *mandamus* to the respondent authorities to release the vehicle (Maruti Dezire car) of the petitioner bearing registration no. BR21AB8422, chassis no. MBHCZFB3SNC227704 and engine no. K12NP4081340.

3. Learned counsel for the petitioner submits that as per Kako P.S Case No. 319 of 2025, police intercepted one Honda City car bearing registration no. DL4CNC5308,



occupied by Amarjeet Kumar and Sudhir Kumar, in which altogether 291.375 litres of Indian made foreign liquor (IMFL) were found.

4. Learned counsel for the petitioner submits that the petitioner is the owner of Maruti Dezire car in which he was travelling, he was stopped by police near village Kajisarai and a search was conducted but no liquor was found in his vehicle. The police demanded a sum of Rs. 5,000/- from the petitioner to let him go with the car but when the petitioner pleaded his inability to pay the aforesaid amount he was detained there with his car and thereafter the police authority concocted a story to the effect that the petitioner driving his car was working as a liner. The petitioner was arrested and the car in which no liquor was found has been seized. Later on, he was granted bail.

5. Learned counsel for the petitioner submits that since the vehicle in question was not found transporting any liquor, in terms of the provisions contained in Section 57 to Section 60 of the Bihar Prohibition and Excise Act, 2016 (as amended up to date), the said vehicle is not liable to be seized. So far as the case against the petitioner is concerned, that may continue in accordance with law, but the vehicle is liable to be released without any penalty.



6. On the other hand, learned AC to SC-12 submits that the petitioner was arrested on the allegation that he was working as a liner to the vehicle in which the illicit liquor were found. So far as the vehicle in question is concerned, admittedly no liquor had been found in this matter.

7. Having regard to the submissions noted hereinabove, in the admitted facts of this case, we direct the District Magistrate, Jehanabad, (respondent no. 2), to pass an appropriate order for release of the vehicle in question, keeping in view that no liquor had been found in the vehicle, and in such a case, the release of the vehicle would not attract imposition of penalty. Such orders shall be passed within a period of one month from the date of receipt/production of copy of this order along with an appropriate application.

8. This writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

aditya/-

AFR/NAFR	
CAV DATE	
Uploading Date	19.12.2025.
Transmission Date	

