

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10392 of 2025

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Pawan Kumar Sahni Son of Nand Lal Sahni @ Nandlal Sahni, R/o Vill-
Thikha Thikaho Aswari, P.S.-Kathaiya, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Excise, Bihar, Patna.
2. The Secretary, Department of Excise, Bihar, Patna.
3. The District Magistrate cum Collector, Gopalganj, at Gopalganj.
4. The Inspector of Police, Excise, Gopalganj at Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate
For the Respondent/s : Mr. Raghwanand, G.A. 11

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

4 02-02-2026 The present petition has been filed for commanding the respondent authorities, particularly the District Magistrate cum Collector, Gopalganj (Respondent No. 3) to accept the title deed of immovable property and release the Bank Guarantee furnished by the petitioner for release of the Bolero Pick-Up Van bearing Registration No. BR06 GC 9643, Engine No. TBJIC37689, Chassis No. MA1ZN2TBKJ1C27514 which has been seized in connection with Excise Case No. 178 of 2018 lodged under Sections 30(a) and 38(1) of the Bihar Prohibition and Excise Act, 2016.

2. The learned counsel for the petitioner submits that



the petitioner had earlier approached this Hon'ble Court for release of Bolero Pick-Up Van and a Co-ordinate Bench of this Court, vide order dated 10.05.2019 passed in C.W.J.C. No. 6488 of 2019 was pleased to direct for release of the said vehicle on production of ownership and registration with respect to the said vehicle in the name of the petitioner before the learned District Magistrate cum Collector, Gopalganj with one surety along with a Bank Guarantee or original title deed of immovable property situated within the district to the extent of the value of the vehicle as indicated in the insurance document.

3. It is the submission of the learned counsel for the petitioner that the petitioner had furnished one surety along with Bank Guarantee for a sum of Rs. 7,01,519/- which was deposited with the District Magistrate cum Collector, Gopalganj and then the aforesaid vehicle of the petitioner was released on 04.10.2019.

4. The learned counsel for the petitioner has submitted that now the petitioner needs money for marriage of his daughter, hence he wants to withdraw the Bank Guarantee and instead furnish title deed of immovable property situated within the district Gopalganj, as per the option granted to him by the aforesaid judgment dated 10.05.2019. Nonetheless, despite the petitioner having made application before the learned District Magistrate cum Collector, Gopalganj on 03.03.2025, no order has



been passed thereon.

5. Having regard to the facts and circumstances of the case, we deem it fit and proper to grant liberty to the petitioner to file a fresh petition with regard to the aforesaid issue, before the learned District Magistrate cum Collector, Gopalganj and in case such a petition is filed within a period of four weeks from today, the learned District Magistrate cum Collector, Gopalganj shall consider the possibility of accepting original title deed of immovable property of the petitioner situated within the district Gopalganj and returning back the Bank Guarantee in question, as per the mandate of the order dated 10.05.2019, passed in the case of petitioner earlier, however the other conditions stipulated in the said order dated 10.05.2019 remaining the same, whereafter he shall pass a reasoned and a speaking order in accordance with law within a period of four weeks of filing of such petition by the petitioner.

6. Accordingly, the present petition stands disposed of.

(Mohit Kumar Shah, J)

(Alok Kumar Pandey, J)

alok/k.c.jha

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