

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 21063 of 2025

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Anil Prasad Son of Sabhapati Prasad, Resident of Shilhauri, P.S.- Marhaura,
District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Registration and Excise, Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Saran.
4. The Superintendent of Police, Saran.
5. The Sub Divisional Officer, Saran.
6. That Station House Officer, Marhaura Police Station, District- Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Respondent/s : Mr. Arvind Ujjwal, SC-04

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

and

HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

Date: 16-03-2026

The present writ petition has been filed for directing the respondents to release the four wheeler Ertiga vehicle of the petitioner bearing Registration No. BR01PJ9963, Engine No. D13A-5712139 and Chassis No. MA3FLEB1S00554000, in favour of the petitioner, which has been seized in connection with Marhaura P.S. Case No. 5123071250332 of 2025 dated 16.05.2025, registered under Sections 281, 125(a) and 125(b) of



the Bharatiya Nyaya Sanhita, 2023 and Section 37 of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act, 2016'), as amended up-to-date.

02. The learned counsel for the petitioner has at the outset submitted that no illicit liquor was recovered from the vehicle in question.

03. *Per contra*, the learned counsel for the State-respondents submits by referring to the counter affidavit filed in the present case that since admittedly no alcohol has been recovered from the seized vehicle, the respondent-officials have not initiated any confiscation proceedings qua the vehicle in question.

04. We have heard the learned counsel for the parties and we find from the records that though the vehicle in question may not be required to be seized under the provisions of the Act, 2016 inasmuch as no illicit liquor has been seized from the vehicle in question, however a bare perusal of the FIR would show that the petitioner has also been booked for rash and negligent driving, in an inebriated state and for acting rashly/negligently, so as to endanger human life inasmuch as the petitioner by his vehicle had hit a motorcycle resulting in injuries to three persons, who were riding the said motorcycle, resulting in the aforesaid FIR being lodged against the



petitioner under Sections 281, 125(a) and 125(b) of the Bharatiya Nyaya Sanhita, 2023 and Section 37 of the Act, 2016 as well.

05. In view of the aforesaid, we are of the view that since the vehicle in question may be required to be produced before the court or police, it is expedient that the concerned trial court imposes adequate conditions for release of the vehicle in question with a view to secure its production, as and when required. Thus, we grant liberty to the petitioner to file appropriate application before the learned court of Special Judge, Excise Act, Saran at Chapra in connection with Marhaura P.S. Case No. 5123071250332 of 2025 within a period of three weeks from today, for imposition of conditions for release of the vehicle in question, whereupon the learned trial court shall pass appropriate orders with regard to imposition of conditions, as deemed fit and proper, for release of the vehicle in question, within a period of two weeks, thereafter.

06. The concerned respondent-authority shall then release the aforesaid four-wheeler Ertiga vehicle of the petitioner within a period of one week of production of the order to be passed by the learned trial court, however subject to the petitioner



fulfilling the conditions to be imposed by the learned trial court and making available the documents of ownership of the vehicle in question before the competent authority.

07. Accordingly, the writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.03.2026
Transmission Date	NA

