

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 20968 of 2025

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Gautam Kumar, Son of Sambhu Paswan, Residing Ward No.- 7, Hichhaut
Amadih, P.S.- Sadar, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Excise Department, Government of Bihar, Patna.
2. The District Magistrate cum Collector, Patna.
3. The Senior Superintendent of Police, Patna, District- Patna.
4. The Officer in-Charge, Beur Police Station, District- Patna.

... .. Respondent/s

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Appearance:

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate
For the Respondent/s : Mr. K.P. Gupta, GP-10
Ms. Deepanjali Gupta, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

and

HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

3 16-02-2026

The present writ petition has been filed for directing the respondent authorities to release XUV-500 vehicle of the petitioner bearing Registration No. BR01PB6149, Chassis No. MA1YL2HJUC6J80891, Engine No. HJC4J14834 in favor of the petitioner, which has been seized in connection with Beur P.S. Case No 546 of 2025 dated 27.09.2025, registered under Section 30(a)/32(2)(3) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as “Act, 2016”).



2. The brief facts of the case are that upon receipt of a confidential information, raid was conducted at Maa Sitala Garage, situated 100 meters west of Beur More and huge quantity of illicit liquor was recovered from a Truck bearing Registration No. UP54T9354. It is also stated in the written report of the Sub-Inspector of Police, Beur Police Station, Patna that from the said garage, other vehicles including the vehicle of the petitioner were also seized, however, no liquor was recovered from the said vehicles.

3. The learned counsel for the petitioner has submitted that no illicit liquor has been recovered from the vehicle of the petitioner which was standing at Maa Shitala Garage near Beur More, hence the aforesaid vehicle could not have been seized under the provisions of Bihar Prohibition and Excise Act, 2016.

4. *Per contra*, the learned counsel for the respondent-State has though referred to the counter affidavit filed in the present case but it has not been denied that no illicit liquor has been recovered from the vehicle of the petitioner. Hence, it is submitted by the learned counsel for the respondent-State that this Court may pass appropriate orders.

5. Having regard to the facts and circumstances of the case, we find that since no illicit liquor has been recovered from



the vehicle of the petitioner, the provisions of the Act, 2016 are not attracted and further no offence is made out thereunder, consequently the vehicle in question could not have been seized. In such view of the matter, we deem it fit and proper to direct the Competent Authority/Authorized Officer to release the vehicle of the petitioner within a period of one week of the date of receipt/production of a copy of this order and upon being satisfied with the ownership of the petitioner *qua* the aforesaid vehicle in question.

6. The writ petition stands allowed.

(Mohit Kumar Shah, J)

(Sunil Dutta Mishra, J)

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