IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.2579 of 2026

Ritesh Pradhan, aged about 32 years, Son of Indrajeet Pradhan, resident of; Chhota Bhaghlata, P.O. – Rashunchopa, P.S. – Kowali, District- East Singhbhum.

… Petitioner

Versus

The State of Jharkhand ⋯ Opposite Party

For the Petitioner : Mr. Girish Mohan Singh, Advocate
For the State : Mr. Abhay Kr. Tiwari, Addl.P.P.

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:-

I.A. No.12867 of 2026

1. Heard the parties.

2. Learned counsel for the petitioner submits that this interlocutory application has been filed for early hearing of this Criminal Miscellaneous Petition.

3. Since the hearing of this Criminal Miscellaneous Petition is being taken up today, hence, this interlocutory application is disposed of being infructuous.

(Anil Kumar Choudhary, J.)

Cr.M.P. No.2579 of 2026

1. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 528 of the Bharatiya Nagarik

Suraksha Sanhita, 2023 with the prayer to quash the order dated 27.06.2026 passed in Criminal Revision No. 95 of 2026 by the learned Sessions Judge, Bokaro whereby and where under the learned Sessions Judge, Bokaro dismissed the criminal revision and affirmed the order dated 27.05.2026 passed by the learned Judicial Magistrate-1st Class, Bokaro in connection with Pindrajora P.S. Case No. 18 of 2026 corresponding to G.R. Case No.474 of 2026 whereby and where under the petition filed by the petitioner for release of the seized commercial pick-up vehicle bearing Registration No. JH-05-DF-9463 has been rejected.

2. The brief fact of the case is that the vehicle in-question was seized in connection with the said case involving the offences punishable under Sections 270, 271, 292, 338, 336(3), 340(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 47(a), 52, 55 of the Excise Act, 2015 for illegally transporting 145 cartons having 12 pieces of 750 ml bottles of liquor (ANP Premium Whisky). The petitioner is the owner of the said commercial pick-up van; in which, the same was being transported. The petitioner filed a petition for release of the said vehicle. The learned Judicial Magistrate-1st Class, Bokaro called for a Report from the police and the police in connection with the said Pindrajora P.S. Case No. 18 of 2026 submitted a Report; the copy of which has been annexed at running page No. 33 of the brief, wherein in para-3, it has been mentioned that the confiscation process has been initiated and requisition has been sent to the Deputy Commissioner, Bokaro for confiscation of the said vehicle. The Report is of dated 11.05.2026. The

learned Judicial Magistrate-1st Class, Bokaro considered that requisition for confiscation proceeding has been sent and rejected the prayer to release the vehicle. The case is still pending before the learned Judicial Magistrate-1st Class, Bokaro.

3. Being aggrieved by the said order dated 27.05.2026 passed by the learned Judicial Magistrate-1st Class, Bokaro in connection with Pindrajora P.S. Case No. 18 of 2026 corresponding to G.R. Case No.474 of 2026, the petitioner filed Criminal Revision No. 95 of 2026. The learned Sessions Judge, Bokaro relying upon the provisions of the Bihar Prohibition & Excise Act, 2016, considered that the vehicle used for carrying illicit liquor is liable for confiscation and the jurisdiction of criminal court to pass orders regarding such property is barred; once seizure is made under the provisions of the said Act and did not find any illegality or infirmity in the impugned order rejecting the prayer for release of the said vehicle and dismissed the Criminal Revision.

4. Learned counsel for the petitioner submits that the vehicle in-question was purchased upon availing finance from a financial Company for commercial purpose and as the vehicle has been kept under open sky, there is every chance of the condition of the vehicle being deteriorated. It is next submitted that no confiscation proceeding has been initiated by the authority. It is further submitted that the impugned order dated 27.06.2026 passed in Criminal Revision No. 95 of 2026 by the learned Sessions Judge, Bokaro is not in accordance with law. Hence, it is submitted that the prayer as prayed for in this Criminal Miscellaneous Petition be allowed.

5. Learned Addl.P.P. appearing for the State on the other hand submits that there is absolutely no illegality in the order passed by the learned Judicial Magistrate-1st Class, Bokaro or the learned Sessions Judge, Bokaro. Hence, it is submitted that this Criminal Miscellaneous Petition, being without any merit be dismissed.

6. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, it is pertinent to mention here that the provisions of the Bihar Prohibition & Excise Act, 2016; which is a State Act of Bihar having been extending to the whole State of Bihar as per Section 1(2) of the said Act. Certainly, the provisions of the said Act having been enacted after reorganization of the State of Bihar in the year 2000 by Bihar Reorganization Act, is not applicable to the State of Jharkhand. Hence, certainly the learned Sessions Judge, Bokaro has committed a grave illegality by relying upon the provisions of the Bihar Prohibition & Excise Act, 2016.

7. Both the learned Judicial Magistrate-1st Class, Bokaro in the order dated 27.05.2026 in connection with Pindrajora P.S. Case No. 18 of 2026 corresponding to G.R. Case No.474 of 2026 and the learned Sessions Judge, Bokaro in the order dated 27.06.2026 passed in Criminal Revision No. 95 of 2026 in the said case; having also affirmed the order of the rejection of the release of the vehicle on the grounds that since confiscation proceeding is contemplated, hence, no illegality has been committed and the sole ground upon which, the petitioner has approached this Court is that no confiscation proceeding has been initiated.

8. Accordingly, this Criminal Miscellaneous Petition is disposed of with the direction to the learned Judicial Magistrate-1st Class, Bokaro to call for a Report from the Deputy Commissioner, Bokaro as to whether any confiscation proceeding in respect of the vehicle in-question has been initiated and if no such confiscation proceeding has been initiated, the learned Judicial Magistrate-1st Class, Bokaro is directed to release the commercial pick-up vehicle bearing Registration No. JH-05-DF-9463 in favour of the petitioner on the petitioner's submitting an undertaking on the following terms and conditions in the said case:

i. The petitioner shall furnish an indemnity bond of Rs. 9,00,000/- with two solvent sureties undertaking therein to produce the vehicle as and when required by the court; and

ii. The petitioner shall not sale, mortgage or transfer the ownership of the vehicle during the pendency of the case; and

iii. The petitioner shall not change or tamper with the identification of the vehicle in any manner during the pendency of the case.

iv. Any other condition, if any, to be imposed by the learned trial court.

9. This Criminal Miscellaneous Petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 14th of September, 2026
AFR/ Saroj

Uploaded on 16/09/2026