

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15595 of 2025

=====

Rubi Devi D/o Hari Narayan Mishra, R/o Village- Ward No. 7P, Lakhanpur,
P.S.- Begusarai, Dist.- Begusarai and present address, W/o Vikash Choubey,
R/o Vill- Sikraul, P.S.- Buxar (Mufassil), Dist- Buxar.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition Govt. of Bihar, Patna.
2. The Director General of Police, Govt. of Bihar, Patna.
3. The Excise Commissioner of Bihar, Patna.
4. The District Magistrate-cum-Collector, Buxar.
5. The Superintendent of Police, Buxar.
6. The S.H.O. Rajpur Police Station, Dist.- Buxar.

... .. Respondents

=====

Appearance :

For the Petitioner : Dr. Kamal Deo Sharma, Advocate
For the State : Mr. Birju Prasad, GP-13
Ms. Shweta Anand, AC to GP-13

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date : 19-11-2025

Heard learned counsel for the petitioner and learned GP-13 for the State.

2. The petitioner in this writ application is seeking a direction for release of the vehicle, namely, Hero Splendor Plus Motorcycle bearing Registration No. BR09AS4956.

3. Learned counsel for the petitioner has drawn the attention of this Court towards the seizure list as contained in Annexure 'P-1'. It is pointed out that as per the seizure list, a



bottle containing 180 ml of English wine was found from the possession of the person who was driving the vehicle. His name has also been disclosed in the search and seizure memo.

4. Learned counsel submits that even on admitting the seizure list without being prejudiced to the contention of the petitioner, it may be found that what was recovered was 180 ml of English wine from the possession of the rider of the motorcycle. This cannot be said to be an act of transportation of liquor and the vehicle in question could not have been seized on this account. It is also submitted that admittedly in this case, the petitioner being owner of the vehicle has not been made accused. Reliance has been placed upon a judgment of this Court in case of **Basant Pasi Vs. The State of Bihar (CWJC No. 9143 of 2024)** decided on 28.06.2024 wherein this Court has dealt with an identical matter and held that the seizure of vehicle is result of high handedness on the part of the police officer.

5. Learned GP-13 for the State does not dispute the seizure list (Annexure 'P-1'). It is admitted that the seizure list shows recovery of 180 ml of English wine from one Nikhil Pandey.

6. Having heard learned counsel for the petitioner and learned GP-13 for the State and on perusal of the records, we



find²⁰ that this case is to be disposed of on admitted facts. The search and seizure memo is on the record which is showing the name of the person from whom seizure has been made and the description of the seized article. According to the seizure list, there is a seizure of one piece 8 PM 180 ml English wine from one Nikhil Pandey, son of Anil Pandey, Resident of Village- Kajaria, P.S.- Rajpur, District- Buxar. It is stated that he being one of the relatives of the petitioner had borrowed the vehicle from the husband of the petitioner in the name of some personal work. In such circumstance, it cannot be said that the vehicle was involved in transportation of liquor. We are quantified in our views by the earlier judgment of this Court in case of **Basant Pasi** (supra) and **Sunaina @ Suneina versus State of Bihar and Ors.** reported in **2024 (3) BLJ 163** decided on 30.01.2024.

7. In this case, the seizure being wholly illegal, we direct the Superintendent of Police, Buxar and the S.H.O., Rajpur Police Station, Buxar to immediately release the vehicle in favour of the petitioner on submission of the proof of ownership of the vehicle. Such release shall be done within a period of two weeks from today and immediately on submission of the ownership papers by the petitioner.



8. Since we have found that the seizure was illegal, the petitioner would be entitled for cost of litigation which is assessed at Rs.10,000/- (Rupees Ten Thousand) payable by the State to the petitioner within four weeks from today. The cost amount shall be realized from the erring official in accordance with law.

9. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

lekhi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.11.2025
Transmission Date	NA

