

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12885 of 2017

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Manoj Kumar, S/o Monu Ram, Resident of Village-Tehta Math, P.S.-
Jehanabad, District-Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department, of
Excise, Government of Bihar, Patna
2. The Principal Secretary, Department, of Excise, Government of Bihar,
Patna.
3. The District Magistrate-cum-Collector, Nalanda.
4. The Officer-in-Charge, Chandi P.S., Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Advocate

For the Respondent/s : Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR

UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 21-09-2017 Seeking release of a vehicle, namely, Scorpio,

bearing registration No. BR 25P -6246, which has been seized in

Chandi P.S. case No. 236 of 2017 by Chandi Police Station for

offence under Section 37 (C) of the Bihar Excise Amendment

Act, 2016, this writ petition has been filed.

The only allegation against the petitioner is of
riding the vehicle in drunken condition and no any seizure of any
intoxicated material/liquor has been seized from the vehicle.

It is the case of petitioner that his vehicle was
driven by another person, who was in intoxicated condition.

Keeping in view the series of orders passed in



similar circumstances granting liberty to the respondents to proceed, if so advised with regard to confiscation proceedings, we direct for release of vehicle, namely, Scorpio bearing Registration No. BR 25P -6246 to the petitioner on furnishing surety bonds to the satisfaction of the District Magistrate, Nalanda in connection with Chandi P.S. case No. 236 of 2017, subject to the conditions that the petitioner shall make available the vehicle in question before the authority concerned as and when required during pendency of the proceedings under the Bihar Excise Act and further undertaking not to alienate or deal with the vehicle in any manner so as to cause adverse effect or prejudice to the State Government.

With the aforesaid, the writ petition stands allowed and disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Uday/-

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