

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10873 of 2018

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Jitendra Kumar, son of Manejar Prasad, resident of village- Tikampar, P.S.
Bhatpar Rani, District- Deoria (U.P.)

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Excise,
Patna, Bihar
2. The District Magistrate, Siwan
3. The Superintendent of Police, Siwan
4. The Officer-in-Charge, Guthni, Police Station, Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Respondent/s : Mr. Vivek Prasad- GP 7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 20-06-2018 Having heard learned counsel for the parties, we

direct that pending finalization of the criminal case (Guthni P.S.
Case No.71 of 2018), vehicle of the petitioner (Splendor Pro-
Motorcycle) be released to the petitioner on the petitioner
furnishing two sureties to the satisfaction of District Magistrate-
cum-Collector, Siwan.

In case the respondents want to take action for
confiscation, they are cautioned to take note of Section 56 of the
Act and shall initiate proceedings only if the confiscation
proceedings can be initiated in a case like this where there is no
seizure of liquor and the vehicle is not used for transportation of



liquor and only the driver is found to have driven the vehicle in a drunken condition. In case confiscation proceedings are initiated and finally it is found that the confiscation could not be initiated being contrary to Section 56, the petitioner shall have liberty to seek compensation to be paid by the officer concerned personally who takes action in the matter.

The vehicle in question be released within one week from the date of furnishing the sureties.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

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