

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10482 of 2018

Sanjay Pandey, Son of Late Ram Chandra Pandey, Resident of Village-
Khatoliya, P.S. - Sheosagar, District- Rohtas

... .. Petitioner/s

Versus

1. The State Of Bihar, through the Principal Secretary, Department of Excise,
Government of Bihar, Patna
2. The District Magistrate, Rohtas at Sasaram
3. The Superintendent of Police, Rohtas at Dehri-on-Sone
4. The District Excise Officer, Rohtas at Sasaram
5. The S.H.O. Sheosagar (Baddi O.P.) Police Station, District- Rohtas

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh
For the Respondent/s : Mr. Kumar Manish -Sc5

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 i.e.

Sheosagar (Baddi) P.S. Case No.266 of 2017, vehicle of the

petitioner (Hero HG Deluxe Motor Cycle) bearing Regn.

No.BR24V 8062 be released to the petitioner on the petitioner

furnishing two sureties to the satisfaction of District Magistrate-

cum-Collector, Rohtas at Sasaram.

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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