

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11140 of 2017

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Wozair Mian @ Ozair Alam @ Wozair Alam, S/o Md. Sharif Mian,
Resident of Village- Dudhani (Yadav Pur), P.S.- Harsidhi, District- East
Champaran.

.... Petitioner

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. null null
3. The District Magistrate-cum-Collector, East Champaran.
4. The Superintendent of Police, East Champaran.
5. The Sub Inspector of Police, Harsidhi Police Station, East Champaran.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Anujit Sinha, Advocate.

For the Respondent/s : Mr. Kumar Manish, SC 5.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 13-02-2018 *Prima facie* on going through the materials available on record we find that the vehicle of the petitioner bearing Registration No. BR05-GA-4639 has been seized in Harsidhi P.S. Case No. 53/2016 registered on 22.02.2016 under Sections 272, 273/34 of the Indian Penal Code and Section 47(A) of the Excise Act.

As far as applicability of Section 47(A) of the Bihar Prohibition and Excise Act, 2016 is concerned, it becomes doubtful in view of the fact that the Prohibition Act, 2016 came into force after 2nd October, 2016.



Be that as it may, as the petitioner is only praying for release of the vehicle in question we allow this application and direct release of the vehicle in question on furnishing two surety bonds within a period of one week from the date of submission of the surety bonds to the satisfaction of the District Magistrate-cum-Collector, East Champaran / Addl. Sessions Judge IX, East Champaran, Motihari in connection with the aforementioned case, subject to the conditions that the petitioner shall make available the vehicle in question before the authority as and when required and shall also not alienate or deal with the vehicle in any manner so as to create a third party interest or prejudice the right of the State in confiscation proceedings.

The application stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Dilip, AR

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