

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5983 of 2018

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Tunvar Sheb Khan @ Saheb Khan Mohamad Khan Tunvar, Son of
Mohamd Khan @ Mohamad Khan Nyamat Khan Tanvar, 3-94 Tunvar
Chauhan Madh, Dabhad Kheralu, P.S. Dabhad, District Mahesana, Gujrat,

.... Petitioner/s

Versus

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

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Respondent/s : Mr. Kumar Manish-SC5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN

PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 03-04-2018

Having heard learned counsel for the parties, we direct that pending finalization of the criminal case (Guthni P.S. Case No.41 of 2018, vehicle of the petitioner (Mahindra Scorpio bearing Reg. No. GJ02BP6558) be released to the petitioner on the petitioner furnishing two sureties to the satisfaction of the District Magistrate, Siwan. In case 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 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.

With the aforesaid, the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/-

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