

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6879 of 2018

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Arpna Devi @ Arpana Devi Wife of Suraj Pandey, Resident of Village-Banjari @ Bangari, P.S.-Pipra, District-East Champaran, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal secretary, Prohibition Excise & Registration Department Government of Bihar, Patna.
3. The Excise Commissioner, Prohibition Excise & Registration Department Government of Bihar, Patna.
4. The District Transport Officer, Muzaffarpur.
5. The District Magistrate-Cum-Collector, Muzaffarpur.
6. The Superintendent of Excise, Muzaffarpur.
7. The Superintendent of Police, Muzaffarpur.
8. The Officer-In-Charge, Sahebganj, Police Station, Muzaffarpur, Bihar. null null
9. The Excise Inspector, Sadar Anchal, Chhata Chowk, Muzaffarpur, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dipak Kumar

For the Respondent/s : Mr. VIKASH KUMAR- SC11

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 13-04-2018

Having heard learned counsel for the parties, we direct that pending finalization of the criminal case (Sahebganj P.S. Case No. 62/2018), vehicle of the petitioner (Truck bearing Registration No. BR06GB6340) be released to the petitioner on the petitioner furnishing two sureties to the satisfaction of the District Magistrate, Muzaffarpur. 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 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.

With the aforesaid, the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.04.2018
Transmission Date	NA

