

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.6804 of 2018**

=====

1. Rishu Kumar @ Rishu Kumar Singh @ Rishu Singh Son of Santosh Kumar Singh resident of Ward No. 7, Nishan Niketan near Library, Gaurakshni, Sasaram, District - Rohtas.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The District Magistrate, District - Rohtas.
3. The Superintendent of Police, District - Rohtas.
4. The S.H.O. of Sasaram (T) P.S., District - Rohtas.

.... .... Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

For the Respondent/s : Mr. VIVEK PRASAD- GP7

=====

**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 (Sasaram (T) P.S. Case No. 674 of 2017), vehicle of the petitioner (Pulsar Motorcycle bearing Registration No. BR-24S-9188) be released to the petitioner on the petitioner furnishing two sureties to the satisfaction of the District Magistrate, Rohtas. 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         |

