

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8028 of 2018

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1. Sudama Prasad, Son of Sri Bindeshwar Sah, Resident of Sharmik Vidyalaya, Yarpur Middle Post Yarpur, District- Patna.
 2. Abhijeet Kumar, Son of Arun Singh, R/o Village- Hajipur, P.S.- Barauni, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretariat, Excise Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner Excise Department, Patna.
3. District Magistrate-cum- Collector, Patna.
4. The Superintendent of Police, Patna.
5. The S.H.O. Kotwali, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shivanand Singh, Advocate
For the Respondent/s : Mr. Kumar Manish- SC 5

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 30-04-2018 Having heard learned counsel for the parties, we direct that pending finalization of the criminal case (Kotwali P.S. Case No.483 of 2017), vehicle of the petitioner (Motorcycle Honda Shine bearing Regn. No.BR01CC-7428) be released to the petitioner on the petitioner furnishing two sureties to the satisfaction of District Magistrate-cum-Collector, Patna.

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)

(Sanjay Kumar, J)

K.C.Jha/-

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