

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9324 of 2018

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Sunny Kumar, son of Sri Lalan Kumar, Resident of Village- North Mandiri
Chhakkan Tola, P.S.- Budha Colony, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Officer-in- Charge, Rupaspur Police Station, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar

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 16-05-2018 Having heard learned counsel for the parties, we direct that pending finalization of the criminal case (Rupaspur P.S. Case No. 214/2017), vehicle of the petitioner (Motorcycle bearing Registration No. BR-01CD-6839) be released to the petitioner on the petitioner furnishing two sureties to the satisfaction of the District Magistrate, Patna. 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/-

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