

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10893 of 2018

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Jitendra Kumar Sah, S/o Lakshman Sah, resident of Badram, P.S. Hussainganj, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Patna- Bihar.
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The Officer Incharge, Pachrukhi Police Station, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
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 20-06-2018 Having heard learned counsel for the parties, we direct that pending finalization of the criminal case (Pachrukhi P.S.Case No.115 of 2018), vehicle of the petitioner (Honda Dream YUGA Motorcycle bearing Registration No. BR 29R 1393) 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 Bihar Prohibition and Excise Act, 2016 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 of the Act, 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)

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