

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13422 of 2018

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Anil Kumar Bhagat S/o Suresh Bhagat resident of Village- Gauri, P.S.-
Darauli, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Siwan.
3. The Superintendent of Excise Department, Siwan.
4. The Officer in Charge- Guthni, Police Station, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary
For the Respondent/s : Mr. Anil Kr. Sinha- Gal

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 16-07-2018 Having heard learned counsel for the parties, we

direct that pending finalization of the criminal case (Guthni P.S.

Case No. 202 of 2017) motorcycle of the petitioner bearing

registration no. BR-29R-1179 be released to the petitioner on

the petitioner furnishing two sureties to the satisfaction of the

District Magistrate, Siwan, within one week from the date of

furnishing the sureties.

The valuation of the vehicle in question shall be done

as per the valuation shown in the insurance document.

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 of 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 off.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Shamshad/-

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