

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12533 of 2018

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1. Rakesh Kumar, son of Gajadhar Rai, resident of Village+ Post Office-
Bhup Bhairo, Police Station- Sitamarhi, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna. null null
2. The Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna. null null
3. The Excise Commissioner, Bihar, Patna.
4. The Additional Commissioner, Excise Department, Muzaffarpur.
5. The District Magistrate cum Collector, Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranvijay Singh

For the Respondent/s : Mr. Vikash Kumar - Sc11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 11-07-2018 Having heard learned counsel for the parties, we direct that pending finalization of the criminal case (Sitamarhi P.S. Case No 516 of 2018), vehicle of the petitioner (Bolero) bearing Registration No. BR 30P 0225) be released to the petitioner on the petitioner furnishing two sureties to the satisfaction of the District Magistrate-cum-Collector, Sitamarhi.

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)

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